# PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

## Public Bill Committee

# COURTS AND TRIBUNALS (ONLINE PROCEDURE) BILL [*LORDS*]

*Tuesday 23 July 2019*

CONTENTS

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**not later than**

**Saturday 27 July 2019**

**The Committee consisted of the following Members:**

*Chairs:* †Sir Gary Streeter, Phil Wilson

† Bradley, Ben *(Mansfield)* (Con)
† Burghart, Alex *(Brentwood and Ongar)* (Con)
† Clark, Colin *(Gordon)* (Con)
Hair, Kirstene *(Angus)* (Con)
† Heaton-Jones, Peter *(North Devon)* (Con)
† Hussain, Imran *(Bradford East)* (Lab)
† Johnson, Dr Caroline *(Sleaford and North Hykeham)* (Con)
† Lucas, Ian C. *(Wrexham)* (Lab)
† Maclean, Rachel *(Redditch)* (Con)
McMorrin, Anna *(Cardiff North)* (Lab)
† Maynard, Paul *(Parliamentary Under-Secretary of State for Justice)*
† Qureshi, Yasmin *(Bolton South East)* (Lab)
† Russell-Moyle, Lloyd *(Brighton, Kemptown)* (Lab/Co-op)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Warman, Matt *(Boston and Skegness)* (Con)
† Western, Matt *(Warwick and Leamington)* (Lab)
† Zeichner, Daniel *(Cambridge)* (Lab)

Anwen Rees, *Committee Clerk*

**† attended the Committee**

# Public Bill Committee

*Tuesday 23 July 2019*

*(Morning)*

[Sir Gary Streeter *in the Chair*]

## Courts and Tribunals (Online Procedure) Bill [*Lords*]

9.25 am

**The Chair:** Welcome, colleagues. Before we begin scrutiny, I have a few preliminary points to make. Please switch all your mobile phones and so on to silent. Tea and coffee are not allowed during sittings. If you had not already guessed, jackets may be removed, as we are going to have the hottest day of the decade.

First, we will consider the programme motion on the amendment paper. Then we will consider a motion to enable the reporting of written evidence for publication. In view of the limited time available, I hope we will take those matters without too much debate. We will then begin line-by-line consideration of the Bill.

The selection list for today's sitting is available in the room. It shows how the selected amendments have been grouped together for debate; amendments grouped together are generally on the same or a similar issue. Decisions on amendments do not take place in the order they are debated, but in the order they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause to which the amendment relates. I will use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules following debates on the relevant amendments.

*Ordered,*

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 July) meet—

(a) at 2.00 pm on Tuesday 23 July;

(b) at 11.30 am and 2.00 pm on Thursday 25 July;

(2) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 25 July. —*(Paul Maynard.)*

*Ordered,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—*(Paul Maynard.)*

**The Chair:** Copies of written evidence that the Committee receives will be made available in the room.

We will start with amendment 1 to clause 1, with which it will be convenient to debate clause 1 stand part. For clarity, that means there will not be a separate debate on clause 1; it will be debated now along with the proposed amendment to it. Members who wish to discuss clause 1 should seek to catch my eye.

### Clause 1

Rules for an online procedure in courts and tribunals

**Yasmin Qureshi** (Bolton South East) (Lab): I beg to move amendment 1, in clause 1, page 2, line 9, at end insert—

'(6A) A person's choice to initiate, conduct, progress or participate in proceedings by electronic means, does not prevent them from then deciding at a subsequent stage to continue by non-electronic means."

*The amendment would allow persons who have started the specified kinds of proceedings by electronic means, to change to non-electronic means.*

**The Chair:** With this it will be convenient to discuss clause stand part.

**Yasmin Qureshi:** It is a pleasure to serve under your chairmanship, Sir Gary.

We have tabled amendment 1 to allow people to continue to conduct proceedings on paper. While we accept the advent of digitalisation and that increased use of the technology available is helpful and appropriate for our court procedures, making matters easier and perhaps saving time, it is also important to ensure that people are aware that they can use conventional paper methods and procedures.

Members will be aware that many members of the public, in particular the older population —I do not mean this disrespectfully—are not very computer savvy. They may not have the internet at home, and they might be confused about the procedures to adopt, where to file things online and whether they have to get the internet installed at home. All those challenges arise, so they must be able at the beginning of proceedings and during the course of proceedings, if it becomes appropriate, to switch to the paper system. The amendment would deal with that issue.

**The Parliamentary Under-Secretary of State for Justice (Paul Maynard):** It is a pleasure to serve under your chairmanship, Sir Gary. It is important to recognise, as we all do, that the eyes of the world and the nation are upon us in this room, as we are the most important political event of the day. I am sure we will try to live up to that level of scrutiny.

As we are considering the entirety of clause 1, I will make a few preliminary comments. The clause deals with the foundations of the new approach to the online procedure. It provides that there are to be online procedure rules that require specified civil, family or tribunal proceedings, including proceedings in employment tribunals, and that the employment tribunal should be subject to the online procedure. It allows those kinds of proceedings to be initiated, managed and resolved by electronic means. Rules may provide for all or any part of the procedure for conducting proceedings online, including starting and defending proceedings or participating in hearings. Different rules may be made for different proceedings and for circumstances in which rules are not to apply or cease to apply. This allows flexibility and proportionality in giving effect to all procedure rules and ensuring that the right types of proceedings are supported by the right types of rules.

The clause also permits rules to provide for specified proceedings to be taken in a different court or tribunal from the one that would normally take them, and for central proceedings that would normally be heard in different courts or tribunals to be taken together. To ensure that the online procedures rule committee works for the benefit of all users, the power to make these rules is to be exercised in so far as it ensures that the procedure is accessible and fair, the rules are simple and simply expressed, disputes are resolved quickly and efficiently, and the rules support the use of innovative measures on resolving disputes.

The requirement for clear, accessible, simple and intelligible rules will make it easier for ordinary court users to navigate the system and access justice. Although the rules have been designed to be of particular benefit for ordinary court users, we expect them to be equally helpful for IT technicians and legal practitioners to make overall sense of the underlying framework of the IT and online service. It also strengthens the emphasis on innovative methods of dispute resolution, which might include online tools that support parties in resolving their issues without having to resort to a formal court hearing. The Government believe that these innovative methods are likely to widen access to justice further, to a wider cohort of users than now.

The clause also requires that when the committee make the rules, it must have regard for

"the needs of those who require support in order to initiate, conduct, progress or participate in proceedings by electronic means",

to ensure that the committee is always aware of people who are digitally disadvantaged. Clause 1 specifies that if the online procedure rules require someone to participate in proceedings by electronic means, the rules must also provide for them to participate by non-electronic means. That was an amendment that the Government added in the House of Lords, and it demonstrates our commitment to paper proceedings.

Clause 1 gives effect the schedule 1, which deals with practice directions. These powers are similar to those that are currently provided in the Civil Procedure Act 1997, the Courts Act 2003, the Tribunals, Courts and Enforcement Act 2007 and the Employment Appeal Tribunal (Amendment) Rules 1996. The powers will enable the Lord Chief Justice or his nominee, with the approval of the Lord Chancellor, to issue practice directions in civil and family proceedings to which online procedures apply.

Amendment 1, which stands in the name of the hon. Member for Bolton South East, is designed to to give users the ability to opt out of using online services at any time, and switch instead to a paper route. Our ambition is to develop online services that are so easy to navigate that, over time, digital channels will become the default choice for the majority of our users. Nevertheless, I absolutely agree that it is right to ensure that people can choose a paper option at different stages throughout proceedings, and vary that choice at different points where that is their preference. I must clarify that the Bill already provides for this—indeed, we amended the Bill in the other place to ensure that this is absolutely clear.

Subsection (6), inserted by the Government amendment in the other place, provides that

"Where Online Procedure Rules require a person to initiate, conduct, progress or participate in proceedings by electronic means", the rules

"must also provide that a person may instead choose to do so by non-electronic means."

Litigants will not be tied to a particular channel. There is nothing in the Bill that requires a litigant who begins proceedings online to continue to do so throughout the entirety of their case. The Government are aware that some litigants might be less able or confident in using some parts of our digital services, so we will allow them to transact with us easily via a mix of paper and digital channels. To be clear, litigants will be able to choose to use paper or online options at different points during the same proceedings if they wish to do so, and Her Majesty's Courts and Tribunals Service's approach is built around providing and supporting that choice. The amendment is therefore unnecessary. It does not add anything to the Bill, so I urge her to withdraw it.

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op) *rose—*

**The Chair:** Order. Mr Lloyd Russell-Moyle has caught my eye. It is usually preferable to speak before the Minister responds and then he can respond to your excellent points as well.

**Lloyd Russell-Moyle:** Thank you, Sir Gary. I am sorry for catching your eye a bit late.

The point of amendment 1 is to spell out in the text of the Bill that there is the ability to change pathways of submission during a proceeding. What the Minister has said is reassuring, but we are to have a new Government, probably with many new Ministers, in a few days' time, and the Bill will last for many generations, so it is prudent to ensure that in 10 or 20 years' time, when new online systems have superseded the online systems that the Minister talks about, it is very clear in the text of the Bill that people can still change. The amendment is friendly rather than hostile. It does not take anything away, so the Government could simply accept it rather than ask for it to be withdrawn.

**Daniel Zeichner** (Cambridge) (Lab): I, too, apologise for rising at the wrong point, Sir Gary.

I support this friendly amendment. Last year when the Government considered the future of the magistrates court in my city of Cambridge, I visited the courts. A comment consistently made was that new technology was not always reliable. Is the Minister confident that any new system will be robust? In the absence of such confidence, having an alternative is reassuring for many people.

**Paul Maynard:** I thank the hon. Member for Brighton, Kemptown for his observation about the new Government. I hope the Bill is not the first to fall victim to a catastrophic U-turn, because that would be a great disappointment to us all.

On the point about the reliability of technology, the Bill is an insurance policy against any unreliability, not because of any particular system being inherently unreliable, but because occasionally someone might not plug something in—it could be as simple as that. I recognise that it is important to have alternative means available.

*[Paul Maynard]*

We could put many provision in the Bill that do not necessarily need to be in the Bill. We cannot see where technology will take us in 10 to 20 years' time. Who knows? Who foresaw the internet in the early '80s, for example? The point is that whenever anyone engages with the online systems, the opportunity to use non-electronic means is a clearly advertised joined-up process. It does not need to be in the Bill. Indeed, such a provision might be outdated in a few years' time.

Also, and more important, the Bill sets up an online procedure rules committee. I do not want to fetter the decision-making powers of that committee on the correct online procedures for every type of case that it deals with. It will have to deal with this question on a case-by-case basis. As much as I love Christmas trees, turning every Government Bill into a Christmas tree on which we hang our own individual baubles is equivalent to erecting a gravestone over our political efforts, so I once again ask that the amendment be withdrawn.

**Yasmin Qureshi:** No one on the Opposition Benches is asking for their own baubles on a Christmas tree. The amendment is sensible and friendly. We want it written into the Bill so that the provision is crystal clear. I therefore want to press the amendment to a vote.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 1]**

**AYES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

**NOES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

*Question accordingly negatived.*

*Clause 1 ordered to stand part of the Bill.*

*Clauses 2 and 3 ordered to stand part of the Bill.*

**Clause 4**

DUTY TO MAKE SUPPORT AVAILABLE FOR DIGITALLY EXCLUDED PEOPLE

**Yasmin Qureshi:** I beg to move amendment 2, in clause 4, page 4, line 13, after "proportionate" insert

"including, but not limited to, a free help-line".

*This amendment would require the establishment of a free help-line to provide support to digitally excluded people.*

**The Chair:** With this it will be convenient to discuss clause 4 stand part.

**Yasmin Qureshi:** Essentially, amendment 2 is designed to protect people who are normally digitally excluded. The clause refers to a "proportionate" level of support, which we believe should include, but not be limited to, a free helpline. As I said earlier, there are people who do not have internet facilities in their home, have no access to the internet or cannot use computers—people have different challenges.

The helpline should be free because the very same people who are excluded from the internet also tend to be those who are financially in the worst position. Quite often, the helpline numbers for Government and other bodies or public officials may charge 3p, 4p, 5p or 10p a minute, which amounts to a lot of money for someone on a very limited income who has to spend half an hour or 40 minutes on the telephone. We therefore ask for a free telephone helpline for those people, so that they can make calls and get the information they need. We hope it will assist them, but at least it will not cost them.

I do not know whether other hon. Members have the same experience, but in my constituency there are many people who do not have a contract phone. They are often on pay-as-you-go, because it costs the least, and they try as far as possible not to use up too much credit. Not everybody has a contract phone that gets them free calls to certain numbers, and even for people who have one, many numbers are not free. That is why we are asking for a free helpline; it would probably not cost the Ministry of Justice that much more, but it would ensure that people who are digitally excluded can access free legal advice and assistance without having to pay either for the billing costs or for having someone help them.

9.45 am

There is another challenge with online procedures and things being done outside the courtroom. From my experience as a practitioner before becoming a Member of Parliament, often people would attend who were not legally represented, whether in civil or criminal court. Those people were either not able to get legal aid or were unaware of whether they could get it. The solicitors and barristers in the courtroom would offer them friendly legal advice to signpost them in the right direction when it was obvious that a person may have a defence. They try to guide them—they are not giving them formal legal advice, but they are able to assist.

The off-the-record general advice and assistance that lawyers provide people in the civil and criminal courts—not because they are their clients or anything, but to assist—will essentially go away when there is more and more reliance on online. Therefore, it becomes even more important that people who are digitally excluded or are in financial difficulties can access advice and support, because they will not have the advice, assistance, help, or friendly signposting that they can normally get in the courtroom. That is why I have tabled the amendment.

**Lloyd Russell-Moyle:** We've all experienced it haven't we? We have all phoned up a Government helpline, waiting hours on hold while listening to crummy music. When we see our phone bill afterwards, it is in the tens, hundreds, or—for one of my constituents who has used immigration helplines—thousands of pounds, when all we are trying to do is access Government services. We have had numerous scandals in the past, including universal credit helplines charging extortionate amounts.

I am sure that, in a moment, the Minister will say that he does not want to tie the hands of the new-spangled committee that he is setting up, the truth is that committees

and processes have time and again failed the poorest in this country. Those committees have failed them because they are populated by people who think it is not a problem to spend a few pounds on a telephone line, or who have an all-inclusive package. They very often do not understand the day-to-day concerns of our poorest constituents. I am not making a presumption about who will make up the committee, but looking at what has happened in the past with numerous telephone helplines.

An amendment that includes a provision for free access to telephone help and support, but is not limited to that—one that also ensures a telephone cannot be the only method of non-digital engagement—is important. It is important because, in the past, we have seen similar processes fail and our constituents charged extortionately. I therefore support the amendment.

**Ian C. Lucas** (Wrexham) (Lab): I support my hon. Friend. As a former practising solicitor, I have always thought it is very important to get things in writing—I often give that piece of legal advice.

The development of phone lines and helplines, as described by my hon. Friend, is unhelpful. There are no obligations in the clause on the nature of the support given to those who use the system. That leads to what is out of order in the broader support system within the legal aid structure, but we need to be much more specific about the range and type of support that will be given to people. They have real needs, and are just as entitled to use the justice system as are people of very considerable means.

**Paul Maynard:** I am rather disappointed that the hon. Member for Brighton, Kemptown regards Wolfgang Amadeus Mozart or Johann Sebastian Bach as "crummy"; far from it.

The hon. Gentleman is slightly concerned about fettering the committee.

**Ian C. Lucas:** My hon. Friend is right. Even Wolfgang Amadeus Mozart sounds crummy down a phone line.

**Paul Maynard:** Wolfgang Amadeus Mozart had a hearing problem. Perhaps the hon. Member for Brighton, Kemptown needed an induction loop to avail himself fully of the facility.

**The Chair:** Maybe we should get back to the Bill.

**Paul Maynard:** Thank you, Sir Gary.

The hon. Member for Brighton, Kemptown made a more important point in his concern that we should not seek to fetter the committee. It might help if we take a step back and think about what the Bill seeks, which to establish a committee that, in and of itself, will make a range of rules around how the court functions, the processes within the court and what the judge can and cannot do in a wide range of circumstances, which neither the hon. Gentleman nor I, nor any other member of the Committee, can predict.

Not every single legal process within a courtroom, or the entire judicial system, can be predicted. It is not sensible to try to cram as much as possible into the Bill so as to pre-empt the ability of the rule committee to decide what is appropriate for the various range of online procedures that we will roll out in years to come. It is not sensible to try to capture in the Bill the technology of 2019 in the hope that that lasts above and beyond wherever technology might take us.

I agree with the spirit of the amendment, but I believe we made changes to the Bill in the other place that make the amendment unnecessary. I will try to provide assurance—it may be a vain hope, but let me try. Her Majesty's Courts & Tribunals Service has committed to providing a comprehensive package of assisted digital support through a number of different means, which includes telephone support. We have a network of trained call handlers dealing with telephone queries and helping to signpost people to relevant information. Those handlers assist with the completion of online forms, answer general queries and identify circumstances in which a person might benefit from more focused face-to-face support.

The use of webchat is also being trialled for those purposes, and we are testing screen-sharing software so that support staff can see the screen of callers to help point and highlight, and provide support in turn. Like all our new services, assisted digital support has been piloted, tested and improved on the basis of continuous user feedback, to ensure that it is targeted at those who need it most.

Let me also clarify that clause 4 is a legally binding duty on the Lord Chancellor to arrange for the provision of appropriate and proportionate support to those litigants who may be digitally excluded. As I have explained, telephone support is already a key component of meeting that obligation. HMCTS already provides a telephone helpline for litigants who require help, and there are no plans to remove that service.

Further, the hon. Lady clarified that, from her perspective, any helpline must be free for use. I agree that that is important, and can confirm that HMCTS does not charge for the telephone service, although admittedly some mobile networks might levy a call charge. Consequently, we are working on approaches to minimise those costs where they are an issue. We already call people back when requested and are exploring the introduction of an automated message to advise people as early as possible in their call of that option.

It is my view that the combination of support that the Government are providing to litigants with the legal duty in clause 4 means that the amendment is unnecessary, and I urge its withdrawal.

**Andy Slaughter** (Hammersmith) (Lab): What the Minister says, along with the text of the clause, indicates a potential problem. This is a major change and problems are anticipated. The Minister has put something on the record today, but where are the Government going to set down, if not in the Bill, the package of measures being introduced to ensure that people can have comfort that their needs will be addressed? Will that be in regulations? Will there be a code of conduct? Will it simply be in a letter sent to us by the Minister? I am not sure that what the Minister has said so far is sufficient.

**Paul Maynard:** I am always nervous when telling the hon. Gentleman, who is an experienced lawyer, how the courts work. He has spent far more time in courts than I have in my life. If I may rehearse my earlier point,

*[Paul Maynard]*

clause 4 is a legally binding duty on the Lord Chancellor to arrange for the provision of appropriate and proportionate support to those litigants who may be digitally excluded.

In my view, that legally binding duty will encompass telephone supportbut it will be for the procedure rule committee to determine in each and every example where it has to formulate rules for online procedures whether that should include at least telephone support or over and above that. It will be within the ambit of the Committee to stipulate whether it wishes to do so, and whether a wider range of means of support may be appropriate for the technology of the time when it seeks to make those rules.

**Yasmin Qureshi:** I am not trying to be difficult, but we will push the amendment to the vote for two reasons. First, clause 4 states:

> "The Lord Chancellor must arrange for the provision of such support as the Lord Chancellor considers to be appropriate and proportionate, for the purpose of assisting persons to initiate…"

Do we know what "appropriate and proportionate" mean? Although the rule committee presumably will decide what is appropriate and proportionate, it is important for it to know that our amendment adds the consideration of a free helpline. The support is not limited to that—other things could be included. It is important to include free phone lines so that the rule committee is assured that it can look at all possible options, including free telephonic support at the point of use.

*Question put*, That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 2]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Clause 4 ordered to stand part of the Bill.*

## Clause 5

### The Online procedure rule committee

**Yasmin Qureshi:** I beg to move amendment 3, in clause 5, page 4, line 29, leave out paragraph (c) and insert—

> "(c) one of each of the following—
>
> (i) a barrister in England and Wales, and
>
> (ii) a solicitor of the Senior Courts of England and Wales, and
>
> (iii) a legal executive appointed to the Committee by the Lords Chancellor in concurrence with the Lord Chief Justice;
>
> (iv) a magistrate of England and Wales appointed by the Lord Chief Justice; and"

*This amendment would require that the Online procedure rule committee has representatives from different parts of the legal professions.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 4, in clause 5, page 4, line 31, leave out "two" and insert "three"

Amendment 5, in clause 5, page 4, line 37, at end insert "and;

> (iii) one of whom must have experience representing the views of people who are digitally excluded."

*This amendment is consequential on the earlier amendment. The amendment would require a members of the Online procedure rule committee to have experience representing the views of people who are digitally excluded.*

**Yasmin Qureshi:** We believe that the procedure rule committee should be larger than currently proposed and that members should be a member of the Bar, a solicitor, a legal executive or magistrate. The reasons for that are twofold. First, it is surprising that the Government envisage the Online procedure rule committee as having a very small number of members, yet the Family procedure rule committee and the Civil procedure rule committee have somewhere in the range of 11 to 16 members. The Online procedure rule committee seems to have by my calculation about five members. We believe that is too small a number to be able to deal with a committee that is going to be pretty revolutionary in what it is designing. It would be wrong to exclude a legal executive, solicitor, barrister or magistrate from that, because the idea behind the committee is to deal with the smaller cases from the civil and criminal courts, and it is legal executives and solicitors who are often involved in the preparation of those cases.

10 am

Although some barristers are involved with the procedural side, they normally attend court and do the advocacy part of any case. They should obviously be present, because they bring their knowledge and experience of dealing with the issues that arise in the courts, but it is the solicitors who do the procedural work—some do advocacy as well—and they are best placed to advise on the various potential pitfalls that the Online procedure rule committee should be considering. They are involved in laying the summonses and in preparing the casework, as are the legal executives, who do a lot of the procedural work, such as starting cases. Not to have them in the committee does not make any sense. If we want a good system, we need the people who are involved in the day-to-day procedures. The people who are involved in the process are being excluded.

That also includes magistrates, as this will apply to the magistrates court as well. It is very important that a magistrate who has been sitting in court is involved. They can raise the potential pitfalls, problems and challenges that might arise. To exclude those groups of people from the committee flies in the face of common sense.

We have tabled the amendment to make the Online procedure rule committee even better, and to ensure that those who are on it have wide, diverse opinions. With no disrespect to the senior judges who would be sitting on the committee, they tend to be members of the Bar, although there are some who were solicitors, but most of them will not know what the court procedures are, especially in the lower courts. To expect them to be actively involved in setting up online procedures will weaken the ability of the committee to do that.

I do not doubt that our judiciary is brilliant, and I am sure that the judges appointed will be excellent, but most of them deal with cases when they reach the court, when what we need are the people who know about the procedures, how things start and all the pitfalls that can happen at the beginning of a case. That is why including the groups of people we have suggested is important. We hope the Government will consider the amendment. It is designed to make the committee better.

Amendment 5 would allow for the inclusion of somebody who has experience representing people who are digitally excluded, as we want to ensure that the committee is able to formulate rules that will help those people. I think everyone here would accept that some people are digitally excluded and that it is important to have someone who represents those views.

Our amendments would strengthen the Online procedure rule committee, and would not substantially affect the numbers. If the Government were to accept our amendments, there would still be less than 10 people in the committee, which is a lot less than in the other procedure committees. This is a really important committee. It should include the most diverse range of people, who are able to come up with rules that are user-friendly, easy to understand and easy to access.

**Andy Slaughter:** It is a pleasure to serve under your chairmanship, Sir Gary. Two weeks ago, the Select Committee on Justice heard evidence from the Master of the Rolls, the Lord Chief Justice and the Senior President of Tribunals on the matter of online courts. They were very persuasive, although it would be a sad state of affairs if they were not—we would all be in a difficult position. Despite that, Committee members on all sides were left with some residual feeling that perhaps this eminent and learned Government may not have had much recent experience in, say, Hendon magistrates court or the Clerkenwell county court—I use those as examples because they are where my constituents have to travel since the wholesale court closures programme began—so they may not have experience of the difficulty of day-to-day business in the way that some members of this Committee will have as a result of dealing with their constituents' legal problems.

How do we address that? The Minister's earlier comments show that he is open to addressing the real concerns of people who are digitally excluded or who have practical difficulties even when dealing with relatively straightforward legal matters. One way to address that is to put matters in the Bill, as earlier amendments seek to do, but that appears to be a route that the Government do not wish to go down. The other way is to ensure that the committee has a range of experience and abilities, and includes those who have dealt with litigants' practical problems on a daily basis, such as barristers, solicitors and legal executives. That is a sound and sensible way of dealing with this.

No one wishes to make committees too large, but it has been pointed out in briefings we have had from representatives of legal bodies that the Civil procedure rule committee has 16 members, including nine judges. This committee, despite a slight increase in size, is still much smaller than that, so the amendment does not seem unreasonable. We have had briefings about the Bill from the Law Society, the Bar Council and the Magistrates Association, who clearly know what they are talking about. It would be helpful if each of those bodies, or someone who represents those branches of the profession, were included. The same can be said of certain organisations, since we have had representations from Mind that people with disabilities are far more likely to be digitally excluded. Even among the general population, the estimate is around 18%. Those are not negligible figures.

I am not a luddite; I welcome matters being dealt with online where possible, and I was at least partially persuaded by the evidence that the Justice Committee heard that there may be more opportunities to litigate—that must be a good thing—because of the ease with which those who can use online systems can put matters forward. I am told there will be an effort to make forms simpler, to deal with those issues. That is all well and good, but a significant part of the population will find it difficult. It is right that their interests are protected and heard in the committee on an ongoing basis as it makes decisions. These amendments are modest and reasonable to achieve that aim.

**Ian C. Lucas:** I want to make one brief point: the jobs of barristers, solicitors, legal executives and magistrates are all very different. We need input on the effect on practitioners to be reflected in a committee that makes decisions that affect them all. We need to recognise the different roles in the committee that sets things up.

**Paul Maynard:** The hon. Member for Bolton South East points out that her amendment is common sense. When someone tells me that, it normally means that I should subject it to triple scrutiny. My antennae start to twitch at that concept.

The hon. Lady also said that she wanted a diverse committee. That probably means having slightly more than 10 people on it, which could well be a challenge too. The point made by the hon. Members for Hammersmith and for Wrexham was totally fair, and I hope to explain how the widest possible range of people, with experience germane to the issues that the committee will consider, can play the role in the committee that they seek.

The Government support the need for a small, focused and agile committee to make new court rules that are easy to understand and tailored for ordinary users. The committee will initially have six members, including a representative from the legal profession and members from the judiciary, IT and the lay advice sector. I believe

*[Paul Maynard]*

that that set-up will allow for the creation of simple, effective rules that support all users throughout their journey.

It is not just the Government who have decided that that is the appropriate number but the judiciary. However, it is not set in stone. We recognise that sometimes a variety of expertise may be needed, so we expect that over time the Lord Chancellor will wish to make use of clause 7 to change the composition of the membership. The committee will need to draw on expertise from across disciplines and jurisdictional boundaries, reflecting the type of proceedings that are being considered at any moment in time.

We believe that that approach will allow us to ensure that rules are always made by those most suited to the task, without hampering the committee's efficiency. As the first online procedure that the committee will consider will be online civil claims below £25,000, it seems sensible to begin with a committee best suited to developing procedures relative to that particular type of case. Furthermore, it should be noted that clause 8(1) requires the committee to

"consult such persons as they consider appropriate".

That is another route to ensure that the committee will have access to the relevant knowledge and expertise needed.

Adopting amendment 3 would create an imbalance in the number of members who could be appointed by the Lord Chancellor in comparison with the number that could be appointed by the Lord Chief Justice. That is something that Members of the other place, and the previous Lord Chief Justices in particular, specifically did not want to happen. I therefore urge the hon. Lady to withdraw the amendment.

Amendments 4 and 5 propose adding a member to the committee to represent the views of people who are digitally excluded. I have heard the many representations made, and I agree that we must ensure that proper consideration is given to the needs of those who require support to access digital services. As colleagues will be aware, we amended the Bill in the other place to ensure that all members of the committee always consider the needs of those who struggle to engage digitally.

I fully agree that digital support for those who want to access online services but struggle to do so for a variety of reasons is paramount if the system is to be effective. The committee already includes someone with IT expertise and someone from the lay advice sector with knowledge of user-specific experience. Considering that, alongside the fact that all members must now consider the needs of digitally excluded people, I do not consider that the amendments are required.

It is also important to recall once again that clause 7 provides a power to vary the membership of the committee, so if in the future it was felt appropriate to reflect a particular expertise permanently on the committee, that can be provided for. Under clause 8, the committee must also consult those it considers appropriate, so can readily avail itself of any expertise needed. I therefore urge the hon. Lady not to press amendments 4 and 5, nor amendment 3.

10.15 am

**Yasmin Qureshi:** We want the amendments to be put to a vote because we want to make it clear to the Government that these issues are important, and not only to us; they are fundamental to a proper Online procedure rule committee. Although the Minister says that the committee may do this and that, that is all open, and up in the air. We want concrete specifics, and for that to be written into the text of the Bill that such people must be part of the committee. Otherwise, the committee could say, "Well, we don't need so and so. We don't need such and such." Alternatively, they might say, "If the Government wanted us to consult other people, or call on other people to become members of the committee, they would have put it in the legislation." Because it is not in the legislation, there is no reason why they should be looking at other people. We say that the experience that legal executives, magistrates, solicitors, barristers and digitally excluded persons have is crucial to the committee, in being able to come up with a good set of rules. That is why it important to us to put these amendments to a vote.

*Question put*, That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 3]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Amendment proposed*: 4, in clause 5, page 4, line 31, leave out "two" and insert "three"—*(Yasmin Qureshi.)*

*Question put*, That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 4]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Amendment proposed*: 5, in clause 5, page 4, line 37, at end insert "and;

(iii) one of whom must have experience representing the views of people who are digitally excluded." —*(Yasmin Qureshi.)*

*This amendment is consequential on the earlier amendment. The amendment would require a members of the Online procedure rule committee to have experience representing the views of people who are digitally excluded."*

*Question put*, That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 5]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Clause 5 ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

## Clause 7

### Power to change certain requirements relating to the Committee

**Yasmin Qureshi:** I beg to move amendment 6, in clause 7, page 7, line 35, leave out "negative" and insert "affirmative".

*This amendment provides that regulations made under Clause 7 which allow changes to certain requirements relating to the Committee are subject to the affirmative resolution procedure.*

**The Chair:** With this it will be convenient to discuss amendment 7, in clause 8, page 8, line 18, at end insert—

"and subject to the affirmative resolution procedure."

*This amendment provides that rules made by the Committee are contained in statutory instruments subject to the affirmative resolution procedure.*

**Yasmin Qureshi:** We think the Government are being a bit naughty in not allowing Parliament an oversight—*[Interruption.]* My hon. Friend the Member for Warwick and Leamington expresses surprise. Clause 7 states at the end:

"Regulations under this section are subject to negative resolution procedure."

Members of the Committee know what that implies. It basically means that it does not come to Parliament, does not get a full discussion, does not get a full hearing, and goes through the on the nod procedurally. When the power is given to change things relating to the committee, the legislature must make a decision—at the end of the day, Parliament is supreme. We accept that a number of different people will be consulted. We have asked for a small amendment to the effect that we have an affirmative resolution procedure rather than a negative resolution procedure.

All parliamentarians should push for that. We should show that we have a complete say. We accept that clause 7 refers to the fact that a number of different people will be spoken to, that discussions will be held and that decisions will be made but, at the end of the day, Parliament is supreme and therefore we ask that, whatever changes are made, and whatever changes are made by the Lord Chancellor under clause 7, they should be subject to an affirmative resolution procedure and not a negative one.

**Paul Maynard:** Amendment 6 seeks to change the negative procedure to the affirmative procedure whenever the Lord Chancellor wants to make a change to the committee's membership. As I have explained, we envisage that the new committee will be agile, focused and flexible—I fear that those words will be chiselled on my gravestone.

Over time, as the scope of the online procedure widens, the Lord Chancellor may wish to make changes both to the number and to the expertise of committee members. The amendment would have the effect of hampering the committee's ability to respond quickly and effectively to new situations. If the committee needed to draft new rules in a new area, it may decide that additional expertise is required, and may need new members to help to form a considered view. The amendment would mean that a debate in both Houses of Parliament would need to take place before an additional person could become a member of that committee. That would be an inappropriate use of parliamentary time, and is counter to our aim of ensuring that the online procedure rule committee can always access the expertise it needs quickly and efficiently.

Requiring changes to membership of the online procedure rule committee by way of an affirmative procedure would also be inconsistent with provisions for amending the membership of the civil, family and tribunal procedure rule committees. I urge the hon. Lady to withdraw amendment 6 because of that.

Amendment 7 seeks to change the negative procedure to the affirmative procedure when the committee makes court or tribunal rules. In the other place, a number of concerns were raised by noble Lords about the constitutional implications of the Bill. I take this opportunity to assure hon. Members that the Bill has been drafted precisely to ensure that the existing constitutional balance is protected.

The Bill mirrors the existing rule-making powers in legislation for the civil, family and tribunal procedure rule committees, which means that the process for making rules follows the traditional and usual method, in which the committee holds regular meetings and consults appropriate persons before making rule changes. Once drafted and signed by the committee, the rules are then allowed by the Lord Chancellor. Finally, the Lord Chancellor lays a statutory instrument in Parliament subject to the negative resolution procedure. It is clear that, if rules are drafted and agreed by the committee as well as by the Lord Chancellor, we do not need to have two further debates.

If rules laid before Parliament under the powers were subject to the affirmative resolution procedure, it would not only place the new committee out of step with existing

*[Paul Maynard]*

procedure committees, but significantly reduce the flexibility of the committee and hamper its ability to support in a timely fashion new online services as they quickly adapt and improve. In addition, minor changes to the rules are made regularly throughout the year, so requiring a debate in both Houses of Parliament every time a change is made would be time-consuming and disproportionate. I consider that the negative procedure strikes the right balance between ensuring sufficient parliamentary scrutiny and allowing the new committee to operate effectively. I urge the hon. Lady to withdraw amendment 6 and not to press amendment 7 to a Division.

**Yasmin Qureshi:** We will press the two amendments to a Division. Parliament spending time looking at procedures does not waste time or clog up the parliamentary timetable. In fact, the parliamentary timetable is quiet, so we have enough time to deal with a few more regulations. I am not sure the Minister's argument is the best one. We believe that Parliament should be able to see what is happening and therefore should be able to subject such regulations to the affirmative resolution procedure.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 6]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Clause 7 ordered to stand part of the Bill.*

## Clause 8

MAKING ONLINE PROCEDURE RULES

*Amendment proposed*: 7, in clause 8, page 8, line 18, at end insert—

"and subject to the affirmative resolution procedure."—*(Yasmin Qureshi.)*

*This amendment provides that rules made by the Committee are contained in statutory instruments subject to the affirmative resolution procedure.*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 7]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Clause 8 ordered to stand part of the Bill.*

## Clause 9

POWER TO REQUIRE RULES TO BE MADE

**Paul Maynard:** I beg to move amendment 9, in clause 9, page 8, line 32, leave out subsection (4)

*Subsection (4) requires the appropriate Minister to obtain the concurrence of the Lord Chief Justice before giving notice to Online Procedure Rule Committee requiring it to make rules.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 8, in clause 9, page 8, line 33, at end insert—

"(4A) The Committee may decline, with written notice, the appropriate Minister's request to create Online Procedure Rules to achieve a purpose specified if deemed inappropriate or unnecessary by the Committee."

*This amendment would allow the Online Procedure Committee to decline a Minister's request to create Online Procedure Rules.*

Government amendments 10 to 12.

**Paul Maynard:** It is a pleasure to go first for a change. On Third Reading, the other place voted to amend clauses 9 and 10 so that the Lord Chancellor and the Secretary of State for Business, Energy and Industrial Strategy must obtain the concurrence of the Lord Chief Justice when the Lord Chancellor or the BEIS Secretary gives notice requiring the committee to make rules to achieve a specified purpose, or the Lord Chancellor makes consequential amendments to existing legislation to ensure that the online procedure rules operate properly. Previously, the Lord Chancellor could use the powers without the need to obtain agreement from the Lord Chief Justice. The powers originally reflected the legislative procedures in place for the existing rule committees, which have worked well for many years, and which I believe should be retained.

The amendments in the other place have also altered the constitutional position. I do not consider it acceptable to use the Bill as a vehicle for significant constitutional reform. I also strongly believe that the amendments made to clause 9 in the other place fetter the Lord Chancellor's power to give effect to Government policy through the online procedure rules. The clause now requires the Lord Chief Justice to take a decision on the implementation of that policy, which contradicts the traditional role of the independent judiciary and the concordat: a long-standing agreement between the judiciary and the Executive that specifically refers to the Lord Chancellor's power to require committees to make rules to achieve a specified purpose.

The concordat also refers to the power to amend, repeal or revoke any enactments governing practice and procedure to facilitate the making of rules considered necessary or desirable following consultation with the

Lord Chief Justice, as was originally provided for in clause 10. It is important that the Bill reflects the position in the concordat. The Lord Chancellor is directly accountable to Parliament for any rules that are made, so it is right that the responsibility lies with him alone. Therefore, with amendments 9 to 12, the Government seek to overturn the amendments made in the other place and to revert to the original wording. When these amendments are seen alongside Government amendments tabled in the other place, I hope Members will agree that there are sufficient safeguards in the Bill to allay concerns.

We amended the Bill in the other place so that before laying regulations to bring new types of proceedings online, the concurrence of the Lord Chief Justice and the senior president of tribunals is required. That is in addition to the requirement already in the Bill of an affirmative vote in each House agreeing to any such regulations. The regulations set out the framework in which the rules will operate, and the Lord Chief Justice must agree to that framework. The Lord Chancellor cannot direct the rule committee to make rules outside the framework that the Lord Chief Justice has agreed to, so the safeguards in clauses 2 and 3 provide the requisite assurances.

Furthermore, the power under clause 10 can be used only for changes that are consequential on the online rules, or that are necessary or desirable to facilitate online rules. We therefore consider that there are sufficient safeguards to ensure the appropriate use of the powers, and there is no need to provide for concurrence with the Lord Chief Justice and senior president of the tribunals in clauses 9 and 10 as well. We have actively engaged with the peers who had concerns and we will continue to discuss this part of the Bill with them ahead of its returning to the other place, where I am hopeful of achieving agreement to the changes.

Amendment 8, tabled by the hon. Member for Bolton South East, seeks to allow the committee to decline a ministerial direction to make rules on a specified topic. It is my position to ensure that lawful government policy can be given effect to and that the relevant Minister should be able to direct the Committee to make rules. The rules might be required to ensure that the online procedure is operable, and so might need to be made urgently, without additional procedure. Concern was raised about the clause on Second Reading, and I hope to be able to assure hon. Members that it is not a power grab by the Executive. The power already applies to existing rule committees and to other procedural rules not subject to the Bill.

Clause 9 reflects similar provisions agreed between the then Lord Chancellor and Lord Chief Justice under the concordat of 2004 and given effect in the Constitutional Reform Act 2005. In practice, the power is not frequently used—indeed, there is just one example of its having been used in the existing civil procedure rule committee. Nevertheless, it is an important power and reflects the established constitutional arrangement. The amendment could cause a problematic constitutional situation whereby a rule committee could refuse to draft rules following the written request of a Minister who sought to implement a specific policy. There would be democratic concerns if a committee was able to refuse to prepare rules on a policy that the Government had been elected to deliver. Such a situation would risk embroiling the judicial members of the committee in a political debate. We should all seek to avoid that.

The proposed amendment would also lead to a situation in which the new committee operates differently from other committees that deal with civil, family and tribunal proceedings. It would diminish the power of the appropriate Minister to respond rapidly to changing circumstances, and would effectively give the new committee a power of veto to make rules, which could lead to delays for users who are required to engage with the justice system or for HMCTS in delivering the reforms. As the Minister is the one who is answerable to Parliament, ultimate decisions on policy making should be in their hands, not in the hands of the committee. I urge the hon. Lady not to press amendment 8, and I commend amendments 9 to 12 to the Committee.

**Yasmin Qureshi:** We think amendment 8 is important to ensure that there is no control by the Executive. If it is asked by the Minister to change the rules, the committee that has been charged with the task of preparing the procedures should be able to decline the request. That is important because it ensures that the committee is independent of the Executive, the Lord Chancellor and the Ministry of Justice. The committee should be free to do as it wishes. The Opposition therefore believe that the amendment is an important safeguard for the OPRC to be able to determine the rules as it wishes. It will give written notice to the appropriate Ministers, and I am sure it will explain its rationale. We believe that it should ultimately be a procedure committee's decision whether to change a procedure because of a request from a Minister; the Minister should not be able to take control of that. It is a power grab by the Executive, and we have to avoid that as far as possible.

**Daniel Zeichner:** I am one of the few people in the room who does not have a legal background. I have an IT background, and I used to spend a lot of my time trying to explain to people that IT cannot always do the magical things that they think it can. One of the flaws in this discussion is that there is nothing about the digital infrastructure that underpins the Bill. The proposed amendment is actually rather sensible, given that the only IT expertise in this process seems to sit with the OPRC. I would like reassurance from the Minister that some thought has been given to the processes that will underpin the Bill. Has he considered whether it would be sensible in some cases for the Committee to say, "Actually, this is not going to work."?

**Andy Slaughter:** I strongly disagree with Government amendment 9. It is very common practice for there to be dual control—the Lord Chancellor and the Lord Chief Justice—in relation to a variety of matters. It seems sensible and is an important safeguard. Nowhere should that be more self-evident than when one is dealing with the practical operations of the courts and ensuring, as the Bill does, that new systems coming into operation have that practical guidance. Having perhaps accepted in principle the arguments that were very well made in the other place, particularly by Lord Judge, I cannot see that the Government now wish to weaken that by simply having consultation rather than concurrence. As the Minister often says to our Front Benchers, I would urge him to think about this again and see what he is

*[Andy Slaughter]*

gaining or has to be worried about in these provisions. It seems an unnecessary bit of control-freakery by the Government.

**Paul Maynard:** The hon. Member for Hammersmith makes a valiant effort to ask why we should retain these clauses. For all the reasons I have set out, I beg to differ that this is not the place to attempt constitutional innovation. That is not how the other procedure committees function either.

The hon. Member for Cambridge makes a perfectly valid point, but this is not the place to achieve his objective. HMCTS, being in charge of a £1 billion court reform programme, is subject not just to the scrutiny of the Justice Committee, on which the hon. Member for Hammersmith sits, but that of the Public Accounts Committee and mine as Minister.

There are vast reams of evaluation, picking up what is and is not working. There are also vast reams on how to evaluate, to establish what is and is not working. There is no lack of scrutiny. The online procedure rule committee has had to look at what rules should govern the operation of the IT, but HMCTS has the ultimate responsibility of examining whether a particular online tool functions.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 8, Noes 7.

**Division No. 8]**

**AYES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

**NOES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

*Question accordingly agreed to.*

*Amendment proposed*: 8, in clause 9, page 8, line 33, at end insert—

'(4A) The Committee may decline, with written notice, the appropriate Minister's request to create Online Procedure Rules to achieve a purpose specified if deemed inappropriate or unnecessary by the Committee."

*This amendment would allow the Online Procedure Committee to decline a Minister's request to create Online Procedure Rules.—(Yasmin Qureshi.)*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 8.

**Division No. 9]**

**AYES**

| | |
|---|---|
| Hussain, Imran | Slaughter, Andy |
| Lucas, Ian C. | Western, Matt |
| Qureshi, Yasmin | |
| Russell-Moyle, Lloyd | Zeichner, Daniel |

**NOES**

| | |
|---|---|
| Bradley, Ben | Johnson, Dr Caroline |
| Burghart, Alex | Maclean, Rachel |
| Clark, Colin | Maynard, Paul |
| Heaton-Jones, Peter | Warman, Matt |

*Question accordingly negatived.*

*Clause 9, as amended, ordered to stand part of the Bill.*

## Clause 10

### Power to make amendments in relation to Online Procedure Rules

*Amendments made:* 10, in clause 10, page 9, line 3, leave out subsection (3).

*Subsection (3) requires the Lord Chancellor to obtain the concurrence of the Lord Chief Justice before making regulations under clause 10. Amendment 11 replaces this with a requirement to consult the Lord Chief Justice.*

Amendment 11, in clause 10, page 9, line 5, after "consult" insert—

"the Lord Chief Justice and".

*This amendment requires the Lord Chancellor to consult the Lord Chief Justice before making regulations under clause 10.*

Amendment 12, in clause 10, page 9, line 9, leave out "(3)" and insert "(4)".

*This amendment enables the Lord Chief Justice to delegate to a judicial office holder the function of being consulted under subsection (4) (see amendment 11).—(Paul Maynard.)*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 14 ordered to stand part of the Bill.*

## Clause 15

### Short title, commencement and extent

**Paul Maynard:** I beg to move amendment 13, in clause 15, page 12, line 11, leave out subsection (7).

*This amendment removes the words inserted by the Lords to avoid questions of privilege.*

Very briefly, the amendment removes the words added in the Lords that relate to a money resolution, in order to avoid questions of privilege.

*Amendment 13 agreed to.*

*Clause 15, as amended, ordered to stand part of the Bill.*

*Schedules 1 and 2 agreed to.*

**Paul Maynard:** On a point of order, Sir Gary. I will be as brief as I can, because I know that colleagues wish to yodel and ululate at the Queen Elizabeth II Centre imminently. May I thank you, Sir Gary, for chairing the Committee, and the officials who have got us through it so speedily?

I also thank my Bill team, who successfully worked through the weekend, delivering me acres of notes; my Parliamentary Private Secretary, my hon. Friend the Member for North Devon, for delivering one note that proved that it was worth his turning up as a member of the Committee; and my Whip, my hon. Friend the Member for Boston and Skegness, who guided me

through every step of the way. I also thank all Members who made their individual contributions—even those who do not like Mozart and Bach.

**Yasmin Qureshi:** Further to that point of order, Sir Gary. I echo the Minister's sentiments. I thank you, Sir Gary, for your chairmanship, and those in the Public Bill Office for all their help in tabling our amendments, and assisting us in preparation. I thank all Members who attended the Committee. Specifically, I thank Opposition Members who helpfully supported me and intervened at the right junctures. I welcome their support in considering the Bill. We now await the next part of proceedings.

*Bill, as amended, to be reported.*

10.48 am

*Committee rose.*

## Written evidence reported to the House

CTOPB01 The Bar Council