

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT TAKING ACCOUNT OF CONVICTIONS
(EU EXIT) (AMENDMENT) REGULATIONS 2020

Wednesday 21 October 2020

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not later than

Sunday 25 October 2020

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

† Bailey, Shaun (<i>West Bromwich West</i>) (Con)	† Pursglove, Tom (<i>Corby</i>) (Con)
Burgon, Richard (<i>Leeds East</i>) (Lab)	Richards, Nicola (<i>West Bromwich East</i>) (Con)
Byrne, Liam (<i>Birmingham, Hodge Hill</i>) (Lab)	† Smith, Greg (<i>Buckingham</i>) (Con)
Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab)	† Sturdy, Julian (<i>York Outer</i>) (Con)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	Thompson, Owen (<i>Midlothian</i>) (SNP)
† Crosbie, Virginia (<i>Ynys Môn</i>) (Con)	Winter, Beth (<i>Cynon Valley</i>) (Lab)
† Cunningham, Alex (<i>Stockton North</i>) (Lab)	† Young, Jacob (<i>Redcar</i>) (Con)
† Mangnall, Anthony (<i>Totnes</i>) (Con)	
† O'Brien, Neil (<i>Harborough</i>) (Con)	Ben Rayner, <i>Committee Clerk</i>
† Philp, Chris (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† attended the Committee

The following also attended, pursuant to Standing Order No. 118(3):

Lewer, Andrew (*Northampton South*) (Con)

Seventh Delegated Legislation Committee

Wednesday 21 October 2020

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020

2.30 pm

The Chair: I remind hon. Members about social distancing. The seats to be taken are marked. *Hansard* colleagues will be grateful if Members send any speaking notes to hansardnotes@parliament.uk.

The Parliamentary Under-Secretary of State for Justice (Chris Philp): I beg to move,

That the Committee has considered the draft Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020.

It is a great pleasure to serve under your chairmanship once again, Mr Robertson.

I will be extremely brief. This is a straightforward draft statutory instrument, which will implement into UK law a provision that we agreed to in the withdrawal agreement a year or so ago. Simply, it makes a transitional provision, so that when we leave the transition period at the end of December, the current regime for taking account of previous convictions in relation to convictions that happened in European Union member states will continue to apply where criminal proceedings begin before the end of the transition period but conclude after it ends. It is as simple as that.

Any criminal proceedings beginning once we are through the transition period will be under the new regime. As I said, this simple transitional measure implements into UK law an undertaking we made in the withdrawal agreement. I commend the draft instrument to the Committee.

2.31 pm

Alex Cunningham (Stockton North) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson, even briefly.

As the Minister outlined, the draft SI will ensure that the TAC framework continues to apply in court proceedings that start but do not conclude before the end of the

transition period. We support the measure. Anyone subject to legal proceedings that start but are not completed during the transition period will be treated in the same way as they would be today. In such cases, therefore, previous convictions in EU member states will still be considered in criminal proceedings in UK courts.

When the UK ratified the withdrawal agreement, we agreed that the TAC framework would continue to apply in UK courts in that way. Failure to comply would mean that the UK was not meeting its legal obligations—an unthinkable prospect for Opposition Members. I assure the Minister that the Opposition fully recognise the importance of adhering to international legal obligations. It is unfortunate that the same can no longer be said of many of his Conservative colleagues. The Opposition remain steadfastly committed to supporting the rule of law, so it follows that we will not oppose the draft regulations.

Legal certainty is a central principle in the administration of justice in this country. It is only right that offenders are sentenced in accordance with legislation in place at the time of the commission of the offence, rather than in line with any subsequent changes. The growing length of time between the commission of an offence and sentencing in the UK and the myriad delays in our courts system, which has been hamstrung by the compound impact of the pandemic and a decade of devastating cuts, only further underline the necessity of the provisions in the draft SI.

I would interested to hear from the Minister a little more detail on the numbers and types of cases expected to be covered by the proposed regulations, and whether they will be time-limited in any way. Opposition Members remain alarmed at the Government's apparent intention regarding its international legal obligations at times but the regulations are introduced under the terms of the withdrawal agreement and we will not oppose them.

2.34 pm

Chris Philp: I do not propose to detain the Committee a great deal longer. On a time limit, I do not believe that there is one for the provision that we are discussing. On the performance of the courts system in general, I gently remind the hon. Gentleman that before the pandemic the number of outstanding Crown court cases was in fact lower than it was in 2010.

Question put and agreed to.

2.34 pm

Committee rose.