

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
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GENERAL COMMITTEES

Public Bill Committee

COURTS (REMOTE HEARINGS) BILL

Wednesday 15 May 2024

CONTENTS

CLAUSES 1 AND 2 agreed to.
Bill to be reported, without amendment.

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Sunday 19 May 2024

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The Committee consisted of the following Members:

Chair: DEREK TWIGG

† Aiken, Nickie (*Cities of London and Westminster*) (Con)

† Bacon, Gareth (*Parliamentary Under-Secretary of State for Justice*)

† Carter, Andy (*Warrington South*) (Con)

† Dorans, Allan (*Ayr, Carrick and Cumnock*) (SNP)
Dowd, Peter (*Bootle*) (Lab)

† Gideon, Jo (*Stoke-on-Trent Central*) (Con)

† Gwynne, Andrew (*Denton and Reddish*) (Lab)

† Jones, Andrew (*Harrogate and Knaresborough*) (Con)

Kane, Mike (*Wythenshawe and Sale East*) (Lab)

† Liddell-Grainger, Mr Ian (*Bridgwater and West Somerset*) (Con)

† McCartney, Karl (*Lincoln*) (Con)

† Robinson, Mary (*Cheadle*) (Con)

Shannon, Jim (*Strangford*) (DUP)

† Simmonds, David (*Ruislip, Northwood and Pinner*) (Con)

Strathern, Alistair (*Mid Bedfordshire*) (Lab)

Stringer, Graham (*Blackley and Broughton*) (Lab)

† Tuckwell, Steve (*Uxbridge and South Ruislip*) (Con)

Abi Samuels, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Wednesday 15 May 2024

[DEREK TWIGG *in the Chair*]

Courts (Remote Hearings) Bill

10 am

The Chair: Before we begin, I have a few preliminary reminders for the Committee. Please switch any devices to silent. No food and drinks are permitted during the sittings, except for the water provided. *Hansard* colleagues would be very grateful if Members emailed any speaking notes to hansardnotes@parliament.uk.

My selection and grouping for today's meeting is available online and in the room. No amendments have been tabled. We will have a single debate on both clauses.

Clause 1

AMENDMENTS TO LEGISLATION ABOUT COURT HEARINGS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clause 2 stand part.

Andy Carter (Warrington South) (Con): It is a pleasure to see my constituency neighbour in the Chair, Mr Twigg. I propose to deal with clauses 1 and 2 together, and I promise hon. Members that we will be done within the six hours allotted.

This modest but important Bill amends current legislation to enable defendants and debtors in specific types of cases heard in the magistrates court or the county or family courts to be able to appear remotely via a live audio or video link. The use of remote links of this type is relatively common and is already used in civil, family and criminal jurisdictions, delivering significant benefits not only through swifter access to justice, but by utilising the court estate efficiently. As a result of the Bill, two categories of cases will be able to be heard remotely. This means that those in breach of some injunctions and orders in the county and family courts, as well as persistent defaulters on orders to pay either council tax or business rates, will be able to appear remotely.

The ability to appear remotely is especially important, as in many cases, defendants must be physically brought before the courts within 24 hours of their arrest for breach of these civil injunctions. Sometimes, that is not possible. Defendants may be arrested out of hours, and court facilities may be some distance away, and all the while the clock is running down.

This Bill addresses those points. People who are arrested for those breaches will now be able to appear remotely, as will defaulters. However, remote does not mean a lesser degree of access to justice. The courts recognise that a remote hearing is no less capable in principle of being fair than a hearing at which all parties are physically present. That has been affirmed by the evaluation by His Majesty's Courts and Tribunals

Service of remote hearings during the recent covid pandemic. Importantly, the Bill does not mandate remote hearings. The ultimate determination will be by the judge or magistrate, who will make their ruling after hearing from the parties and taking into consideration the availability of facilities for such hearings.

With that background in mind, I turn to the clauses. Clause 1(1) sets out the required legislative changes. These include an amendment to section 47 of the Family Law Act 1996 on arrest for breach of order. Clause 1(1) inserts proposed new subsection (13), which provides that the defendant may appear before the court either by way of live audio or video link. Clause 1(2) amends section 9 of the Anti-social Behaviour, Crime and Policing Act 2014 on arrest without warrant. It inserts proposed new subsection (7), which provides that the defendant may appear before the court either by way of live audio or video link.

Clause 1(3) amends section 43 of the Policing and Crime Act 2009 on arrest without warrant. It inserts proposed new subsection (8), which provides that the defendant may appear before the court by live audio or video link. Clause 1(4) amends paragraph 8(1A) of schedule 4 to the Local Government Finance Act 1992 on enforcement in England and Wales. It inserts proposed new sub-paragraph (b), which states that regulations may provide that the debtor, subject to an application under paragraph 8(1A), may appear before the court either by way of live audio or video link.

Clause 1 sets out the necessary changes to legislation so that a defendant or a debtor, in certain circumstances, can appear before a court by live link. These changes ensure that individuals who are arrested for breaching certain family court or county court injunctions, or who persistently fail to pay business rates or council tax, can appear before the court in a timely and efficient manner using remote links.

Jo Gideon (Stoke-on-Trent Central) (Con): I congratulate my hon. Friend on introducing this important Bill. Can he confirm that a remote hearing will be of benefit in domestic abuse cases? It is really important that domestic abuse cases are heard in this way, because it provides a critical lifeline as a safe, accessible platform for survivors to seek justice and removes the burden of a physical court appearance. The digital approach ensures confidentiality and reduces the risk of intimidation, empowering victims to speak up and access legal recourse swiftly and securely.

Andy Carter: It is clear that courts, particularly the magistrates court, already make full use of digital means. The Bill will benefit those suffering from domestic abuse, particularly where restraining orders and non-molestation orders are in place to keep somebody who has committed domestic abuse away from the victim. In the event that someone is arrested on a weekend, say, a Saturday morning, and there is a 24-hour time limit in which they can be held, they may well be released because the court does not sit before Monday, and they cannot appear before court in that time. Once released, they could cause more problems for the victim of domestic abuse. The Bill will mean that that person could appear before a judge and the judge could remand them or take other steps to ensure that the victim is protected. My hon. Friend is right to raise that point.

Under clause 1, defendants or debtors will have a hearing within the mandated period of 24 hours or will have to be released by the police in the case of those who are in breach of an injunction, as I have just said to my hon. Friend. In doing so, we are ensuring that the rule of law is upheld and that we provide for better and more timely access to justice. Public safety is also enhanced by ensuring that dangerous individuals—in the case of breaches of injunctions—are not released for want of finding a court or member of the judiciary out of court hours.

The use of remote links in court proceedings is relatively common. As a magistrate, I sit on a regular basis on remote court hearings, and there is no negative impact on ensuring that justice is delivered. In fact, I would argue that it delivers significant benefits. This provision will provide greater flexibility at judicial discretion where appropriate. Most importantly, it does not mandate that remote links must be used. Access to justice is not curtailed. The defendant will be able to make representations to the judge, and the safeguards of access to legal representatives remain in place.

Clause 2(1) provides that the Bill will come into force at the end of the period of two months following Royal Assent. Subsection (2) sets out that the Bill may be referred to as the Courts (Remote Hearings) Act 2024. This clause establishes the timing for the Bill to become law once its passage through this House is completed. There is nothing controversial in these arrangements. I commend the Bill to the Committee.

Allan Dorans (Ayr, Carrick and Cumnock) (SNP): It is a pleasure to serve under your chairmanship, Mr Twigg. I am aware that the hon. Member for Warrington South is a magistrate. I have served as a justice of the peace in Scotland and am aware of the implications of the Bill. I see no negative sides to it. Although the Bill does not extend to Scotland, its provisions appear eminently sensible and will only assist in the timely, flexible and efficient administration of justice in appropriate cases. Therefore, the Bill has my full support.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): I am not a lawyer or solicitor or magistrate, but I am interested in this, because the administration of justice in places like Somerset is few and far between. The nearest court we have is in Taunton, meaning all my constituents must travel there, so I understand the provision for video links, but I have some questions about it. First, if somebody misbehaves on the video link, they cannot be reprimanded for contempt or anything else. I am interested to know what will then happen. Are they brought to a court for proceedings to take place in person?

Secondly, what is the procedure for defendants on video links whose first language is not English? I have done enough international conferences with a language barrier, as I am sure my hon. Friends have, to know how difficult that is. Thirdly, the explanatory note says that the use of video links is

“common in civil and family proceedings. In those proceedings, the appearance of a defendant by remote link is permitted at the direction of the court, including cases of far greater sensitivity or gravity.”

What is “greater sensitivity or gravity”? The Minister mentioned it, but I am interested in what that pertains to. I think that is important.

Fourthly, when a video link is used, is the solicitor in the court, or are they on the video link? We all want representation. In Somerset, the remand centre is in Bridgwater and the court is in Taunton. This Bill is eminently sensible and I agree with it, but I am wondering about the practicalities of making sure that someone can exercise their right to justice and to be represented. I am wondering what the mechanism for that is.

I am also concerned about intimidation. If someone is on remand and appearing via video link, there are other people around them—not in the room, probably. One of the great things about being in a court is that the person is in the court. They are part of court proceedings, with court officials and court people. If they are elsewhere, there is potential for intimidation. What if somebody appearing in court is on remand? Someone else has had a go at them, because there is also somebody else in these places. Are we absolutely sure that people are not going to be put under undue pressure to appear on the video link?

Finally, on the video link, will officials—in other words, police and others—be in the room with the defendant? What is the mechanism for making sure that there are suitable people in the room should the person decide to have a hissy fit or otherwise?

Andy Carter: I am very grateful to my hon. Friend the Member for Bridgwater and West Somerset for being part of this Bill Committee and for his questions, which are eminently sensible. I preface my remarks by saying that remote justice is frequently already used in the courts. In fact, in many cases, particularly for those on remand, there is a preference for remote hearings, because if someone is being held on remand in prison, remote hearings mean that they do not have to leave the prison, go to court, take all their belongings with them and risk being taken back to a different prison. They can stay in their prison and attend the court via video link. It is regularly used.

My hon. Friend raised questions about contempt. The judge or magistrate treat an individual attending on a remote link as being part of the court. If they misbehave, the sanctions for contempt are exactly the same as they would be if the individual were present in the courtroom.

The same is true for non-English-speaking attendees. There is a facility to ensure that anybody who needs an interpreter can access one. That is at the discretion of the judge. In my experience as a serving magistrate, one becomes very aware very quickly if someone does not understand proceedings and one ensures that an appropriate interpreter is put in place.

My hon. Friend made a good point about solicitors. In many cases, duty solicitors will be in the court, but they have an opportunity to speak to the defendant or the debtor online prior to the court hearing, although in some cases it may be that the defendant is with the individual in the centre where the video link is taking place.

I think the point my hon. Friend made about intimidation and officials is important. By its very nature, it is a remote hearing, and the individual is somewhat remote from the court premises, but magistrates and judges are very used to ensuring that people who are participating remotely on video or telephone links are brought into

[*Andy Carter*]

court and understand fully. One of the things I have learned as a magistrate is that we go over the top to explain what is going on to somebody who is not in the court. I would therefore say to my hon. Friend that magistrates and judges are used to dealing with defendants and debtors who are on a video link, and they take every step to ensure that court proceedings fully include those individuals. I hope that answers his questions.

10.15 am

The Parliamentary Under-Secretary of State for Justice (Gareth Bacon): It is a great pleasure to serve under your chairmanship, Mr Twigg. I promise not to detain the Committee for much longer, but I want to lend my wholehearted support to my hon. Friend the Member for Warrington South for introducing the Bill.

As my hon. Friend set out, the Bill extends the availability of remote hearings in two instances where individuals have been arrested and detained in police custody. The first is for defendants in claims for breach of the terms of certain antisocial injunctions or certain family orders. The second is for a failure to pay either council tax or business rates. Those hearings could be conducted remotely from a custody suite, whereas at present they must be heard in person. The decision to hold a remote hearing will be set at the discretion of the judge after considering the representations of all parties. To be clear, in-person hearings will still take place if that is necessary.

Hon. Members will be reassured that despite the new powers, the number of hearings in either type of case is not expected to rise and charging decisions are independent of the availability of the court. The changes will establish important safeguards for the public and give magistrates, county and family courts greater flexibility and efficiency. That will enhance public safety.

Remote hearings mean that potentially violent individuals, such as those arrested for breaches of injunctions to protect the victims of domestic abuse, can be quickly and efficiently dealt with. Current arrangements mean that those defendants must be produced physically in court within 24 hours of arrest and the lack of court premises or judicial capacity, for example

at the weekend, would result in their release back into the general population. That is something we are trying to avoid.

In closing, I reiterate my thanks to my hon. Friend the Member for Warrington South for introducing this important Bill, and I can confirm the Government's support for it. I also want to thank the hon. Member for Ayr, Carrick and Cumnock for his support and my hon. Friends the Members for Stoke-on-Trent Central and for Bridgwater and West Somerset for their questions. I thank all hon. Members for their attendance this morning. This modest Bill provides remote hearings only when necessary and adds to the flexibility of the ways the courts operate without compromising any of the safeguards of our justice system.

Andy Carter: May I conclude by thanking the Minister for his comments and for the support of the Government? He is absolutely correct in what he says: this short Bill will broaden the situations in which defendants can join court proceedings via audio or video link.

The Bill will specifically mean that breaches of non-molestation orders, occupation orders, antisocial behaviour injunctions and gang-related violence or drug-dealing injunctions can be heard remotely. That is particularly helpful for situations where someone is arrested and held at a time when a court is not sitting, such as a Sunday or a public holiday, when the clock is running down and individuals can only be held for 24 hours. It will also mean that secondary legislation can require that where someone has defaulted on an order to pay either their council tax or business rates, they can join a hearing remotely regarding their non-payment.

I conclude by saying that I am extremely grateful to all colleagues for attending this sitting and for the cross-party support that I have received. As the Minister said, we can now get on and make our courts more efficient.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Bill to be reported without amendment.

10.19 am

Committee rose.