

# Judicial Review and Courts Bill

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## COMMONS DISAGREEMENT, REASONS AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

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[The page and line references are to HL Bill 102, the bill as first printed for the Lords]

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### Clause 1

#### LORDS AMENDMENT 1

**1** Page 1, leave out line 9

#### COMMONS REASON

*The Commons disagree to Lords Amendment 1 for the following Reason –*

**1A** *Because it is appropriate for the courts to be able to remove or limit the retrospective effect of quashing orders.*

#### LORDS AMENDMENT 2

**2** Page 1, leave out lines 15 to 18

#### COMMONS REASON

*The Commons disagree to Lords Amendment 2 for the following Reason –*

**2A** *Because it is appropriate for the courts to be able to remove or limit the retrospective effect of quashing orders.*

#### LORDS AMENDMENT 3

**3** Page 2, line 2, leave out “or (4)”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 3 for the following Reason –*

**3A** *Because it is appropriate for the courts to be able to remove or limit the retrospective effect of quashing orders.*

## Clause 2

### LORDS AMENDMENT 5

5 Leave out Clause 2 and insert the following new Clause—

**“Limitation of review of Upper Tribunal’s permission-to-appeal decisions**

(1) In the Tribunals, Courts and Enforcement Act 2007, after section 11 insert—

**“11A Finality of decisions in exercise of the supervisory jurisdiction**

(1) Subsection (2) applies in relation to a decision by the Upper Tribunal to refuse permission (or leave) to appeal further to an application under section 11(4)(b).

(2) Subject to subsections (3) and (4), a decision made by the court of supervisory jurisdiction in relation to any such refusal by the Upper Tribunal, whether such decision of the court of supervisory jurisdiction is to refuse permission to proceed or is to dismiss the substantive claim in the supervisory court or is any other order, is final and cannot be questioned or set aside or reversed whether by way of renewal or appeal or otherwise.

(3) An appeal lies to the Supreme Court from any such decision of the court of supervisory jurisdiction but only with the leave of the court of supervisory jurisdiction or of the Supreme Court; and such leave may not be granted unless it is certified by the court of supervisory jurisdiction that a point of law of general public importance is involved in the decision and it appears to that court or to the Supreme Court, as the case may be, that the point is one which ought to be considered by the Supreme Court.

(4) An application to the court of supervisory jurisdiction for leave to appeal to the Supreme Court must be made within the period of 7 days beginning with the date of the decision of the court of supervisory jurisdiction and an application to the Supreme Court for such leave must be made within the period of 7 days beginning with the date on which the application is refused by the court of supervisory jurisdiction.

(5) In this section—

“decision” includes any purported decision;

“supervisory jurisdiction” means the supervisory jurisdiction of—

(a) the High Court in England and Wales or Northern Ireland, or

(b) the Court of Session in Scotland,

and “the court of supervisory jurisdiction” is to be read accordingly.”

(2) The amendment made by subsection (1) does not apply in relation to a decision (including any purported decision) of the Upper Tribunal made before the day on which this section comes into force.”

COMMONS DISAGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO THE

## BILL

*The Commons disagree to Lords Amendment 5 and propose the following amendment to the words so restored to the Bill –*

- 5A** Page 4, line 2, leave out “passed without” and insert “the Bill for which would not require”

**After Clause 42**

## LORDS AMENDMENT 11

- 11** Insert the following new Clause –

**“Publicly funded legal representation for bereaved people at inquests**

- (1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In subsection (1), after “(4)” insert “or (7).”
- (3) After subsection (6), insert –
  - “(7) This subsection is satisfied where –
    - (a) the services consist of advocacy at an inquest where the individual is an interested person pursuant to section 47(2)(a), (b) or (m) of the Coroners and Justice Act 2009 because of their relationship to the deceased, and
    - (b) one or more public authorities are interested persons in relation to the inquest pursuant to section 47(2) of the Coroners and Justice Act 2009 or are likely to be designated as such.
- (8) For the purposes of this section “public authority” has the meaning given by section 6(3) of the Human Rights Act 1998.””

## COMMONS REASON

*The Commons disagree to Lords Amendment 11 for the following Reason –*

- 11A** *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this reason may be deemed sufficient.*

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*26th April 2022*

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