

Summary Jurisdiction and Miscellaneous Amendments Bill 2013
Second Reading approved

1. Mr Downie to move:

That the Summary Jurisdiction and Miscellaneous Amendments Bill 2013 be read a second time.

The President: We come now to the Second Reading of the Summary Jurisdiction and Miscellaneous Amendments Bill 2013. I call on Mr Downie to move.

Mr Downie: Thank you, Madam President.

Before I move the clauses stage of this Bill and for the benefit of Hon. Members, I have today in the Chamber from the Home Affairs Department, Mr Tom Bateman and from the Registry and Courts Division, Mr Martin Blackburn, and both will be able to deal with any technical issues that may arise during the passage of the Bill.

Madam President, with your approval, I intend to split the clauses, as I have indicated to you previously. That is to say: part 1, clauses 1 to 3; part 2 will subdivide, clauses 5 and 6, clause 7, clause 8, and clauses 4 and 9, because they are linked, it did cause some confusion in the other place, but that is the way the drafter has put things together; and then finally, part 3, clauses 10 to 13.

To commence with the clauses stage of the Bill then, Hon. Members... *(Interjections)*

The Clerk: It has to pass a Second Reading.

The President: The Second Reading.

Mr Downie: The Second Reading. Right. Just let me...

I had previously outlined that the Summary Jurisdiction and Miscellaneous Amendments Bill 2013 will streamline the fines collection process and improve certain court processes.

The primary objectives of the Bill are: to provide for attachment of earnings orders; applications for reductions from benefit orders; plea before venue provisions; creation of a fines register etc; extension of banning orders for drink-related offences; removal of need for judge of appeal to be an English barrister and a Queen's Counsel; permitting the First Deemster to act in the absence of the Second Deemster; removing the need for a court to order the forfeiture of a mobile phone used while driving; and other minor amendments.

The benefits arising from this Bill are as follows. The so-called 'plea before venue' clauses aim to reduce unnecessary appearances in court and reduce the preparation time for uncontested cases. The Bill will allow attachment of earnings orders to be made at the time the original sentence is handed down and will allow a court to vary, suspend or revoke an order or application or substitute an alternative sentence or method of enforcement. It will be more efficient and encourage effective use of courts' resources.

The Bill will enable a criminal court to order payment of fines and other criminal financial penalties by a deduction from defined Social Security benefits, including, but not limited to Income Support.

The Bill provides for a Fines, etc Register, which will allow details of the fines defaulters to be published and make this information available to credit reference agencies, thus encouraging people to meet their financial obligations.

The Bill removes a requirement for the judge of appeal to be an English barrister and Queen's Counsel. It also provides that where the High Court Act 1991 refers to 'the Deemsters', this expression means the First Deemster only, wherever the Second Deemster is unavailable or the office of Second Deemster is vacant.

It moves the fines provisions of section 27(1) of the Criminal Law Act 1981 into the Criminal Jurisdiction Act 1993 where they sit more readily.

In respect of this, in clause 11, Mrs Beecroft... Sorry, I have got the notes here. If an offender does not pay their fine, then they can be required to spend time in prison instead. If the offender applies to the court for remission of the fine and the court agrees, the court will either remit the prison term proportionately or if the court agrees to remit the whole fine, it follows that the court have to take away or remit the whole prison term to zero. In other words, the courts would order the whole term to be remitted.

The Bill amends the Licensing Act 1995 to extend the list of offences in respect of which the court may ban offenders from licensed premises or from purchasing alcohol and enables the court to order a further ban if a banning order is breached. It also gives greater flexibility by enabling the Department of Home Affairs to prescribe by order other offences for which a court can make a Banning Order.

The Bill removes the requirements for a court to order the forfeiture of a mobile telephone, which was being used whilst driving. The person reporting the offence does not have the power to seize the phone at the

roadside for wider legal and practical implications and it is not possible to make such an order several months after the offence has been committed.

Madam President, I would like to move the Second Reading of the Summary Jurisdiction and Miscellaneous Amendments Bill 2013.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that the Bill be read a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Summary Jurisdiction and Miscellaneous Amendments Bill 2013 Clauses considered

The President: Clauses.

Mr Downie: Thank you, Madam President.

Part 1 of the Summary Jurisdiction and Miscellaneous Amendments Bill, that is to say clauses 1 to 3, is introductory.

Clauses 1 to 3 provide for the Bill's short title and commencement, except for clauses 1 and 2 which would come into force when passed. Commencement would require an Appointed Day Order to be made by the Treasury.

Madam President, I beg to move that part 1, that is clauses 1 to 3, stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clauses 1, 2 and 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Member, you wish to take clauses 5 and 6 next. The Hon. Member wishes to leave clause 4 until after clauses 5 and 6.

Mr Downie: Yes, we will take clause 4 with clause 9, Madam President.

The President: Yes.

Clauses 5 and 6 then, please.

Mr Downie: Clause 5 inserts into the Act new sections 15A to 15C to allow a plea made in the summary court to be accepted in the Court of General Gaol without need for a separate hearing.

Section 15A applies in relation to adult defendants who appear in person.

Section 15B applies in relation to an adult who does not appear because of disorderly conduct before the Court, but who is represented by an advocate.

Section 15C allows a summary court to adjourn proceedings commenced under sections 15A or 15B and remand the accused, if they are present, until the proceedings are resumed.

Clause 6 amends section 17 of the Act to allow the court of summary jurisdiction to accept an indication that a person would plead guilty at the Court of General Gaol Delivery and for the Court of General Gaol to proceed direct to sentencing on that basis. The clause also provides that a case heard in the summary court, or where the summary court has accepted jurisdiction, may be committed to the Court of General Gaol for sentence.

Madam President, I beg to move that clauses 5 and 6 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clauses 5 and 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

Mr Downie: Clause 7 relates to attachment of earnings orders and deductions from benefits. It substitutes two clauses for existing sections 93 and 94 and inserts a further seven sections 94A to 94G.

Section 93 restates the powers of the Chief Registrar, where a periodical payments order has been made

by any court and payment is required to be made to the Chief Registrar, to proceed with a claim for recovery of arrears on behalf of a person to whom a payment is due, where that person so requests, and provides that any costs incurred will fall on that person.

Section 94 restates the power of a court of summary jurisdiction to grant execution orders and clarifies under which legislative frameworks such execution orders may be enforced.

Section 94A allows a court of summary jurisdiction to make an attachment of earnings order or an application for benefit deductions whether or not an execution order has been granted. This would occur when the person liable to pay a fine or similar sum consents to this being made, or where the person does not consent but the court thinks that it is in the interests of justice to make such an order. This provision will also allow the court to include in any such order or application any amount outstanding in respect of any sum previously adjudged to be paid by conviction or order of any court in the Island on or after commencement of section 94A. The court will also have power to postpone the taking effect of such an order or application and in such case the Chief Registrar will be empowered to direct that it will take effect in the event that the paying party misses a payment.

If the court makes an attachment of earnings order it is not prevented from making an application for benefits deduction on another occasion against the same person and in respect of the same sum, if the circumstances so permit. The court also, under 94A(9), has power to vary, suspend or revoke an order or application or substitute an alternative sentence or method of enforcement. These powers may be exercised by a single justice, i.e. a magistrate, unless this entails issuing a warrant committing the person to custody – by 94A(10) that power is not exercisable by a single justice.

Section 94B sets out the duties of an employer under an attachment of earnings order. It requires an employer to make the deduction and to account for it to the Chief Registrar. The employer can keep a sum, to be specified in rules of court, towards the cost of clerical and administrative expenses. The employer must also immediately inform the Chief Registrar if the employee to whom the order relates ceases to be employed by the employer.

Section 94C provides the power for the court of summary jurisdiction to require the person liable to pay the sum in question, or their employer, to provide details of the employer and the earnings of that person. The powers of the court under this section may be exercised by the Chief Registrar.

Section 94D creates offences in connection with 94B and/or 94C. Such offences are triable summarily and the maximum penalty is £5,000.

Section 94E details the procedure to be followed in making an application for deductions from benefit and providing the Department of Social Care with power to make regulations concerning the benefits from which sums can be deducted, the circumstances and the manner and time at which such deductions may be made and as to the prioritisation of deductions where these are being made at source.

It creates offences around the provision of the prescribed information and the offences are triable summarily with a maximum penalty of £5,000. By virtue of 94E(10), regulations made by the Department of Social Care will require Tynwald approval before they come into effect.

Section 94F allows the Chief Registrar to apply for specified information from the Treasury or the Department of Social Care in order to permit consideration of whether it is practical or appropriate for the court to make an attachment of earnings order or an application for deduction from benefits under 94A. The Chief Registrar may also apply for a court order directing the Police or other bodies to provide details as to a person's whereabouts or address. It creates offences in relation to the unauthorised disclosure of information so obtained and certain statutory defences. The offences are triable summarily and the maximum penalty is £5,000.

Section 94F(9) also expressly provides that nothing in section 94F authorises the making of a disclosure that contravenes the Data Protection Act 2002.

Section 94G gives the power to make Rules of Court in relation to attachment of earnings orders and applications for benefit deductions and the variation of attachment of earnings orders and applications for benefit deductions orders. Such Rules may also make provision as regards the prioritisation of deductions in the case of attachment of earnings orders, where other deductions are being made at source, and specifying the administrative costs that an employer may deduct.

Madam President, I beg to move that clause 7 stands part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Madam President, I thank the hon. mover for this clause. Obviously the attachment of earnings or the deduction from benefits will improve the collection of the penalties.

The query I would have is the concern of hardship for the family and the circumstances of the offender

and his family in meeting these deductions that the court would impose. How will equity or fairness be brought into it so that the Rules of Court would have, shall we say, discretion to take into account the potential hardship on the person involved, the offender or the family members who may suffer through the deduction of earnings or the loss or benefits? So it is that element of discretion. Does that exist or will it exist in the Rules of Court, Madam President?

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I have similar queries. I think the mover said that the person for attachment of earnings has to give consent, but that if there is no consent it has to be decided by the court in the interests of justice. First of all, I wonder what that actually means, 'in the interests of justice'.

Currently at the moment the courts can impose penalties based on the ability to pay and the timescale of paying them back is set in accordance with their ability to pay. I wonder what happens in these cases where the court decides without consent to do so. If their circumstances change, they are still employed and they are still receiving their wage, but maybe their partner loses their job and money becomes tighter or some of the circumstances in their personal life means that they have less money. How can that be adjusted and changed within this particular section?

In the case of deduction from benefits, there seems to be no element of consent. It seems that it is done without consent regardless and I wonder if you could comment on that. Is that the case?

Thirdly, just to comment on section 94F about the powers of the Registry to actually get information from all these other Departments. When we complain about... well, there are complaints about Education having a children database and this seems to be far more draconian. So that puts people's personal information... those other elements we discussed in the past.

So I wonder, could he comment on those particular three issues, please?

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

With regard to attachment of earnings, presumably this will only apply to employed people and not those that are classed as self-employed and may be employed through contracting, which is quite common method of employment.

Also, I share the concerns about those on benefits. On the one hand, the public would expect those on benefits... the question comes: why are they receiving benefits when they are owing this money? But there has to be a balance and usually those that are receiving them, it is because they have a family to support and the people who would be losing out could well be other vulnerable people in that family group.

It has already been touched upon about changes in financial circumstances. I understand there will be a mechanism where if they notify, then the whole process would have to be reviewed. With that, no doubt, will come court time and costs, and so I just wondered quite how the mechanics of this is going to work in reality, the disparity between employed and self-employed people, who obviously will not be able to have an attachment of earnings order because they can restructure their income accordingly.

The other issue is will attachment of earnings orders also be available to be applied for by those with civil debts?

The President: The mover to reply.

Mr Downie: Yes, Madam President, I think at this stage we have an officer from the courts, who is probably better placed than me to go into the fine detail. This is quite an important area, but a very complex area and with your approval, Madam President, I would like to ask them to reply or be available to answer the Members questions and then I could come in after.

The President: That is in order. If they would announce their name and their office while giving information to Members, that would be helpful if they could.

Mr Blackburn: Thank you, Madam President.

I am Martin Blackburn. I am the Director of Finance and Central Services at General Registry.

Mr Butt asked what was meant by 'in the interests of justice'. Well, that really is to enable the court to exercise discretion. If somebody were to give a reason for not having an attachment of earnings made, which the court felt was flimsy or in other words, that was not a reasonable excuse for not having that money deducted, the court would have its ultimate discretion in deciding whether or not that would be the case.

That is similar for a number of different enactments within the legal system that the judge acts as an arbiter between what the person is suggesting and what the interests of justice demand. So that would be the scenario under which this was applied.

Mr Crowe asked about the way that families may encounter hardship for their benefits. The Bill provides that the Department of Social Care will make regulations for the deductions or the benefits that can be deducted. It would be for that Department to secure the approval of Tynwald as to the nature. Some benefits are means tested. Some benefits are automatic. Whether they are in automatic payments that were not related perhaps to needs, that one might be seen as being more appropriate for a deduction of benefits order than something which kept somebody just within the needs that they had for their day-to-day existence.

The opportunity is available for an attachment of earnings or for a deduction from benefits order, once made, to be varied if the person's circumstances changed in the same way as the current instalments order. If a person's individual circumstances change, they can make application to the court for its discretion to be varied to allow for the circumstances that pertain at the time.

As regards Mr Turner's request about the position of self-employed and contractor persons, the attachment of earnings orders can only relate to earnings; so therefore, it has to be an employed person within the terms of that definition. The existing provisions of instalment orders would still apply so that a court could order a fine to be paid by instalments. If the person were to breach that order, then quite often there is a further penalty in place. The whole idea of this is to try and stop people going to prison for offences which could be punished by a criminal financial penalty and that is the way that that one is regarding.

As regards using this mechanism for collecting civil debts, this piece of legislation is not the vehicle for it. This is all about criminal. It is the summary jurisdiction. I am aware that in another place, leave has been given to a Member to introduce a Private Member's Bill to address these very issues, so that is not something which falls within this Bill as a vehicle to progress.

Mr Butt: Madam President, could I...?

The President: We were winding up, but –

Mr Butt: If I could come back on it with just one point?

The President: Very well. Yes.

Mr Butt: Could I just ask on the question of consent? For the attachment from earnings, consent is required and if it is not given then the phrase 'interest of justice' is used, which seems to be that that gives the court the discretion; but with the deduction from benefits there is no mention of consent at all.

Mr Blackburn: Again, the regulations to be made by the Department of Social Care specify or will specify the circumstances in which that can be done.

Clause... (*Interjection*) 94E(3), the regulations in there, the 'circumstances and manner', any amount of Social Security benefit that would be disregarded in making the calculation. In other words, that you would set a threshold above which the person could have; but the difficulty would be that Government is providing funds to a person and therefore the view of the Public Accounts Committee and the Fines Working Group was that if there were other debts due to Governments, then it seemed inappropriate for Government to be handing out money to a person when they owed money to Government. The disregard figure, I think, is probably the safeguard there.

Mr Butt: Okay. Thank you.
Thank you, Madam President.

The President: Mr Downie.

Mr Downie: Yes, thank you, Madam President.
I hope that clarifies that particular issue.

On some of the other areas about people's inability to pay, as Hon. Members will be aware that for most courts now there is a duty social worker and there is always somebody on hand available to give advice in some these areas.

But obviously, we know that there is a big problem with fines and people just are not paying them and as we have seen in other jurisdictions outside of the Isle of Man, systems such as this have been introduced so that we can have a more effective way of collecting the money that is due. I know it might seem a hard thing to do at times, but I think other than sending people to jail, there is no other alternative and I think what we

are trying to do here today is come up with an alternative to prison and to further costs.

To deal with the other issue that was raised by the Hon. Member, Mr Turner, about civil debt, of course, that has been dealt with by a Private Member's Bill that is fronted by Mr Houghton and I do not know where he is with that. I think that it is something I am prepared to follow up because I do have responsibility for the courts now under Treasury and so I will have some dialogue with Mr Houghton and see where we are.

I think the questions have been dealt with now and Madam President, I beg to move that clause 7 stand part of the Bill.

The President: The motion is that clause 7 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

Mr Downie: Clause 8 inserts new section 101A into the Act and provides for a publicly accessible Fines, etc Register to be set up and maintained. It is intended that this will comprise those who have defaulted on payment. The content of the register will be governed by Rules of Court. Charges for accessing the register may be fixed by the Treasury and the proceeds of such charges are to be applied in paying the expenses incurred in maintaining the register.

This register may be maintained by a body corporate, such as the Registry Trust, which operates similar registers for other jurisdictions.

Madam President, I beg to move that clause 8 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 8 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 4 and 9.

Mr Downie: Clauses 4 and 9.

Clause 9 amends section 114 of the Act definitions, by inserting new definitions required in relation to other new provisions inserted into the Act by this Bill.

Now, if I can go back to... Clause 4 introduces the amendments which are to be made by clauses 5 to 9 of the Bill to the Summary Jurisdiction Act 1989, 'the Act'.

Madam President, I beg to move that clauses 4 and 9 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clauses 4 and 9 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clauses 10, 11, 12 and 13.

Mr Downie: Thank you, Madam President.

Clause 10 amends the High Court Act 1991 by deleting the requirement contained in section 3A(5) for the Judge of Appeal to be an English barrister and Queen's Counsel. It should be noted that this clause only relates to the specific appointment of the Judge of Appeal and does not affect in any way the selection and appointment of additional Deemsters.

Clause 10 also inserts a new provision in section 58, definitions and interpretation, so as to provide a new subsection (1A) that where the High Court Act 1991 refers to 'the Deemsters', a particular statutory expression which means the First Deemster and the Second Deemster acting jointly – see section 3 of the Interpretation Act 1976 – this expression means the First Deemster only, wherever the Second Deemster is unavailable or the office of Second Deemster is vacant.

Clause 11 is a tidying-up exercise to move the fines provisions of section 27(1) of the Criminal Law Act 1981 into the Criminal Jurisdiction Act 1993 where they sit more readily. Accordingly these provisions will now be contained in a new section 28A of the 1993 Act.

Clause 12 amends the Licensing Act 1995, which extends the list of offences under the Criminal Code 1872 in respect of which the court may ban offenders from licensed premises or from purchasing alcohol for a period of up to five years. As so amended, the relevant provisions of section 33 of the Licensing Act 1995 will extend to all or any of the offences against the person which are contained in sections 18 to 60 of the Criminal Code 1872.

It amends section 75 of the Licensing Act 1995, which confers power on a court to make a banning order for up to five years, i.e. banning a person from purchasing alcohol or entering on licensed premises, upon

conviction for certain offences of public drunkenness, so as to enable a further ban to be made upon a conviction under subsection (6) for breach of a banning order made under this section.

It provides for a banning order to be made by a court for any other offence in which the consumption of alcohol was either a significant factor leading to the offence, a constituent part of the behaviour constituting the offence or an aggravating feature of the offence.

It also enables the Department of Home Affairs to prescribe by order other offences for which a court can make a banning order.

Clause 13 repeals three other provisions: section 27 of the Criminal Law Act 1981 relating to fines as by virtue of clause 11 of this Bill and these provisions will now be included in the Criminal Jurisdiction Act 1993, where it is more appropriate for these to reside; schedule 5, paragraph 22(3) of the Summary Jurisdiction Act 1989 which was a consequential amendment to section 27 of the 1981 Act; Road Traffic Act 1985, schedule 6, part 1 in the entry in the table relating to schedule 2, paragraph 1(5), in column 8, the words, 'Court must order forfeiture of the mobile telephone unless it finds special reasons not to do so', since in practice there is no way of enforcing this several months after the offence was committed given there is no power for the person reporting the offence to seize the actual phone in use at the time for a number of legal and practical reasons. Therefore, it is not possible in law for the court to make such an order.

Madam President, I beg to move that part 3 – that is clauses 10 to 13 – stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

Obviously, the powers to ban persons from going onto premises are required to remove the nuisance element from some of these establishments, but I just wonder how this goes when if a person is banned from premises, so many more premises are licensed, not just pubs and nightclubs – for example, you have got areas in airports, the Villa Marina, if somebody is attending the pictures, and the whole idea of this is remove the nuisance from the specific problem. What we are not doing is banning them from completely everything that they can do. There has got to be a balance there and I just wondered how this works in practice; whereas the whole point is to deal with the specific problem and not unduly punish people in other areas, if the mover understands what I mean. So I would just like to pick up on that.

I understand there are provisions already there for banning people, but it is a query that I have had in the past and have not really got an answer to.

The President: The Lord Bishop.

The Lord Bishop: Madam President, it is a fairly trivial drafting matter, but in clause 10, subsection (4), the new subsection (1A), does that word 'wherever' mean 'wherever' or 'whenever'? It could be either: 'wherever' and 'whenever'. (*Interjections*)

The President: We will leave the Hon. Member to ponder the answer. (*Laughter*)

Mr Butt: If it just said the word 'where', it would surely make sense.

The Lord Bishop: Or 'when'.

The President: Or 'when'. (*Laughter*)

The Hon. Mr Butt.

Mr Butt: Again, not important, Madam President, but I just comment on the new clauses 12 and 13. When you read them as they are in this Bill, without all the underlying legislation, the wealth of information that came from the mover about the licensed premises and all the other issues, a casual reader of this Bill would have no idea what this Bill means.

Mr Downie: Correct. Yes.

Mr Butt: There is a proper explanatory memorandum, so is there some way in which the public can be made more aware of what these offences actually mean because there is a lot of detail in there which does not appear on the surface when you read it.

The President: If no other Member has a query, I call on the Member to reply, please.

Mr Downie: Yes, thank you, Madam President.

To deal with Mr Butt's question first, the reason why I have gone into these clauses in some significant detail today is to exactly spell it out so it can be picked up by *Hansard*; but I understand that when the Bill is eventually enacted, there will be regulations brought in and there will be a proper explanatory areas to go with this because it is a most important area.

Turning to Mr Turner's point, which is a very valid one, I think in this day and age in the supermarkets and so on there are only certain aisles that are licensed – that is why we have seen recently alcohol restricted to certain parts of the supermarkets. It would be dreadful, I think, if a person was banned and found that he could not to go the Co-op, Tesco's, Marks and Spencer's. Let us face it, alcohol is available in an awful lot of places nowadays and a lot more than it was a few years ago. But I think a lot of these offences are when somebody gets involved in a fracas or a fight in a public house or proper licensed premises and that is where the full arm of the law has to come in and sort these things out.

If the person continues, well, they have to accept a banning order to take them out of licensed premises altogether.

Mr Turner: The departure lounge.

Mr Downie: On clause 10, the point that was raised by my Lord Bishop, 'wherever' or 'whenever'. I wonder if I could ask the Attorney General to give us a view on that, just for the sake of *Hansard*, because I am happy with either.

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The Acting Attorney General: Yes, Madam President, I think the point that is made is simply, as printed at the moment, a reference in this Act to 'the Deemsters wherever' – and I think you should really insert there in your mind, 'it appears' – then 'the person holding the office' etc, as it is stated there, I do not actually believe that anything will turn on whether the word is 'wherever' or 'whenever'.

So I am quite satisfied with that, from a legal perspective.

Mr Downie: Right. Thank you very much for that. (*Interjections*)

The Acting Attorney General: Sorry, I was, Madam President, distracted there and I beg your pardon for losing my attention on that particular point because I was struggling to see if I could give you any guidance with reference to an order which would preclude somebody from entering onto licensed premises. The conclusion I reached there is that it is for the court. It could actually in its order restrict the type of premises to which is applies.

I have just been checking the Licensing Act 1995 to satisfy myself of that. (**Mr Downie:** Right.) So that is what I wanted to add there. But there is provision for the court to resolve the difficulty that has been identified.

The President: The Hon. Member, Mr Turner, you want to –

Mr Turner: If I may. Yes, it was concern for such else as the departure lounge in an airport, for example, is an unlicensed premises and the individual clearly... it would quite a miscarriage of justice if somebody was prevented from travelling through an airport, when it is clearly designed to remove nuisance element from public houses and the likes.

The President: A fair point.

Do you have anything further to add, Mr Downie?

Mr Downie: Nothing further to add, Madam President.

I beg to move the clause.

The President: Hon. Members, the motion before you is that clauses 10, 11, 12 and 13 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.