HOUSE OF LORDS

Select Committee on the Constitution

7th Report of Session 2021–22

Police, Crime, Sentencing and Courts Bill

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Select Committee on the Constitution

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Committee staff

The current staff of the committee are Michael Torrance (Clerk), Rachel Borrell (Policy Analyst) and Jackie Lam (Committee Operations Officer). Professor Stephen Tierney and Professor Alison Young are the legal advisers to the Committee.

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Police, Crime, Sentencing and Courts Bill

Introduction

1. The Police, Crime, Sentencing and Courts Bill ('the Bill') was introduced to the House of Commons on 9 March 2021 and was passed on 5 July. It was brought to the House of Lords on 6 July 2021 and second reading is scheduled for 14 September.

2. The subject matter of the Bill is diverse and, if enacted, will make significant changes across the criminal justice system.[1] This report focuses on the constitutional aspects of the Bill.

Size of the Bill

3. The Bill may reasonably be characterised as an omnibus bill,[2] which is demonstrated by its long title.[3] The Bill comprises 177 clauses and 20 schedules, creates 62 new delegated law-making powers and amends 39 statutes.[4]

4. We have identified the problems raised by such bills in the past. In our report on the Coroners and Justice Bill in 2009, we observed that "[t]he constitutionally important process of legislative scrutiny is hindered by omnibus bills … which include too wide a range of proposals, all inherently significant in their own right."[5]

5. **Bills of this size and complexity impede proper legislative scrutiny in Parliament. *This is not the first time the House has encountered this problem. It should not be repeated.***

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1 For a summary of the main provisions, please see: UK Parliament (6 May 2021), Have your say on the Police, Crime, Sentencing and Courts Bill

2 In its report on Parliaments and the Legislative Process, the Committee observed that so called "Christmas tree bills" are those: "which seem intended to focus on a specific area of the law but then incorporate multiple provisions that deal with matters not directly related to the principal purpose of the legislation, or bills with a scope which is so widely defined as to allow a very broad range of topics to be included." See Constitution Committee, *The Legislative Process: Preparing Legislation for Parliament* (4th Report, Session 2017–19, HL Paper 27), paras 169–71

3 The Bill's full title is: "A Bill to make provision about the police and other emergency workers; to make provision about collaboration between authorities to prevent and reduce serious violence; to make provision about offensive weapons homicide reviews; to make provision for new offences and for the modification of existing offences; to make provision about the powers of the police and other authorities for the purposes of preventing, detecting, investigating or prosecuting crime or investigating other matters; to make provision about the maintenance of public order; to make provision about the removal, storage and disposal of vehicles; to make provision in connection with driving offences; to make provision about cautions; to make provision about bail and remand; to make provision about sentencing, detention, release, management and rehabilitation of offenders; to make provision about secure 16 to 19 Academies; to make provision for and in connection with procedures before courts and tribunals; and for connected purposes."

4 Explanatory Notes to the Police, Crime, Sentencing and Courts Bill [Bill 268 (2019–21)-EN], paras 207–08

5 Constitution Committee, *Coroners and Justice Bill* (10th Report, Session 2008–09, HL Paper 96), para 2

Digital extraction from devices

6. Clauses 36 to 40 concern the extraction of information from electronic devices during criminal investigations. Clause 37 specifies who may consent to digital extraction on behalf of children and adults lacking mental capacity. Clause 39 provides for the possibility of extracting information from the device of a person who has died.

7. Clause 40 imposes a duty on the Secretary of State to issue a code of practice for the extraction of information. The Secretary of State must consult the Information Commissioner and relevant devolved authorities, before laying the code before Parliament and bringing it into force by regulations subject to the negative resolution procedure. The same procedures apply to any revision of the code.

8. Recent case law suggests that pre-existing digital extraction powers have been exercised in a way that has allowed the police to require consent to digital extraction as a condition for continuing an investigation or prosecution that could otherwise continue without such extraction.[6] In the *End-to-End Rape Review* and the *Tackling Violence against Women and Girls Strategy* the Government found: "the possibility that they may be required to handover personal and sensitive data causes deep concern for many victims and is one of the principal reasons why they withdraw from the process."[7] The *End-to-End Rape Review* says it is the Government's ambition that "any digital material requested from victims is strictly limited to what is necessary and proportionate to allow reasonable lines of inquiry into the alleged offence".[8] The same publication included a foreword by ministers, noting:

> "In the last five years, there has been a significant decline in the number of charges and prosecutions for rape cases and, as a result, fewer convictions … The vast majority of victims do not see the crime against them charged and reach a court: one in two victims withdraw from rape investigations."[9]

9. On 2 July 2021 the Home Office published a draft code of practice on the extraction of information from electronic devices, to be published in final form once clause 40 is enacted.[10] The draft code of practice states there should not be a presumption that a device should be inspected,[11] and the device user must be fully informed of their right to privacy and their right to refuse inspection of the device.[12] It states: "[R]efusal to provide a device and

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6 *Bater-James & Anor v R.*, para 73, [2020] EWCA Crim 790; *R v McPartland and another,* para 44, [2019] EWCA Crim 1782; *R v E*, para 24, [2018] EWCA Crim 2456. [links not available]

7 HM Government, *The end-to-end rape review report on findings and actions*, CP 347, (July 2021), para 82: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001417/end-to-end-rape-review-report-with-correction-slip.pdf [accessed 26 July 2021] and HM Government, *Tackling Violence against Women and Girls (July 2021)*, p 22: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005630/Tackling_Violence_Against_Women_and_Girls_Strategy-July_2021-FINAL.pdf [accessed 26 July 2021]

8 HM Government, *The end-to-end rape review report on findings and actions*, CP 347, (July 2021), para 21: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001417/end-to-end-rape-review-report-with-correction-slip.pdf [accessed 26 July 2021]

9 *Ibid.*, p i

10 Home Office, *Extraction of information from electronic devices: Draft Code of Practice* (July 2021): http://data.parliament.uk/DepositedPapers/Files/DEP2021–0535/Draft_Code_of_Practice.pdf [accessed 26 July 2021]

11 *Ibid.*, para 31

12 *Ibid.*, para 54

agree to the extraction of information from it should not automatically result in the closure of any enquiry or complaint".[13]

10. ***In the light of the decline in the number of charges and prosecutions for rape over the last five years,***[14] ***safeguards that protect victims' right to privacy and guard against digital extraction as a condition for continuing an investigation or prosecution should appear in the Bill rather than in a non-binding code of practice.***

Public order

11. Sections 12 and 14 of the Public Order Act 1986[15] ("the 1986 Act") provide the current framework for senior police officers to impose conditions on public processions and public meetings. Part 3 of the Bill extends the powers under the 1986 Act in England and Wales by inserting new "noise trigger" conditions into sections 12 and 14; by removing the defence that a person did not "knowingly fail to comply" with a condition under section 12 and by increasing the severity of penalties for the offence of failing to comply.

Noise triggers

12. Clause 55(2) adds two new categories of noise disruption which trigger a police power in England and Wales to give directions:

    - (aa) where the senior police officer reasonably believes that "the noise generated by persons taking part in the procession may result in *serious disruption to the activities of an organisation* which are carried on in the vicinity of the procession" [emphasis added]; and

    - (ab) where "the noise generated by persons taking part in the procession may have a *relevant impact on persons in the vicinity of the procession*" and "that impact may be significant." [emphasis added]

13. "Relevant impact" is defined in clause 55(3). It occurs (a) where "it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity" or (b) where "it may cause such persons to suffer serious unease, alarm or distress." The senior police officer is instructed to have regard to the likely number of persons, likely duration of the impact and likely intensity of the impact on such persons (clause 55(3)).

14. Clause 56 inserts a similar noise trigger into section 14 of the 1986 Act, concerning public assemblies. Furthermore, it removes a significant limitation to the existing law on control of public assemblies. Section 14 permits police to issue directions relating only to the duration, location and size of public assemblies. Clause 56 removes that limit and allows the senior police officer more general powers to issue "such conditions as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in subsection (1)." Clause 61 inserts a new section 14ZA into the 1986 Act, which would provide for a noise trigger for one-person protests.

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13 *Ibid.*, para 56

14 HM Government, *The end-to-end rape review report on findings and actions*, CP 347, (July 2021), p i: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001417/end-to-end-rape-review-report-with-correction-slip.pdf [accessed 26 July 2021]

15 Public Order Act 1986

15. The Joint Committee on Human Rights concluded that the Bill's noise trigger conditions are a restriction on the freedom of assembly recognised by Article 10 of the European Convention on Human Rights.[16] The Joint Committee doubted that the protection of people from "serious unease" could be considered a legitimate aim and found the ambiguity of legal standards such as serious unease suggested the measures may not be "prescribed by law" within the meaning of the Convention. Having received a significant range of evidence on this matter, the Joint Committee also concluded that the restrictions were not "necessary" in a democratic society. The police had not called for the creation of the new trigger based on noise created by demonstrators[17] and the law already provides a range of mechanisms to control undue noise.[18] The Joint Committee recommended that the noise trigger provisions concerning public processions and public meetings should be removed from the Bill.[19]

16. While we recognise there is a balance to be struck between protecting the right to protest and ensuring that the public are free to conduct their business, we are similarly concerned that these powers are not sufficiently defined in the Bill. For example, a definition of "significant impact" is not provided in the Bill,[20] which increases the likelihood of these provisions being challenged, thus leaving it to the courts to clarify the meaning. In its report, the Joint Committee on Human Rights noted that there was no impediment to using the existing legal standard of "serious disruption to the life of the community", derived from section 12 the 1986 Act, to control the 2019 Extinction Rebellion protests, the most pertinent recent example.[21]

17. **We note that the common law[22] attaches similar weight to the European Convention on Human Rights to the importance of freedom of assembly and protest, and therefore concur with the Joint Committee on Human Rights that the noise trigger provisions are an unnecessary restriction on Article 10 of the Convention and should be removed from the Bill.**

Powers to define 'serious disruption'

18. Clause 55(4) empowers the Secretary of State to make provision by regulations about the meaning of "serious disruption to the life of the community" and "serious disruption to the activities of an organisation which are carried out in the vicinity of a public procession". Clause 56(6) and clause 61 make the same provision concerning public assemblies and one-person protests, respectively. In all three cases the Secretary of State is empowered to "give examples of cases" where a public procession, assembly or one-person protest

16 Joint Committee on Human Rights, *Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill Part 3 (Public Order)* (Second Report, Session 2021–22, HC 331, HL Paper 23), para 62
17 *Ibid.*, paras 52–58
18 *Ibid.*, paras 59–62
19 *Ibid.*, para 62
20 The use of "significant" in relation to the impact of the disruption can be found in clauses 55(2), 55(3), 56(2) and 56(5)
21 *Ibid.*, paras 75–77
22 During the House's consideration of the Public Order Bill in 1986 Lord Denning said: "[T]he right of assembly [has] been protected by the judges for all these years by the Common Law." See HL Deb, 24 July 1986, col 438. During the House's consideration of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill in 2013 Lord Hart of Chilton said: "Freedom of expression and freedom of assembly are rights which lie at the very heart of our constitution. Any threat to these would not only infringe Articles 10 and 11 of the European Convention on Human Rights but be contrary to fundamental common law." See HL Deb, 22 October 2013, col 931.

"is or is not to be treated as resulting in" creating a serious disruption. Notably, these powers extend beyond defining noise disruption—they can be used to specify any form of serious disruption within the existing statutory framework.

19. The regulations are subject to the draft affirmative procedure and the Government has published a draft statutory instrument to be laid under these powers.[23] Under these draft regulations, a serious disruption to an organisation occurs "if persons connected with the organisation are, for a prolonged period of time, unable to reasonably carry out activities for that organisation such as serving customers, holding meetings or teaching classes, in that vicinity."[24] A "serious disruption to the life of the community" occurs if there is a "significant delay to the supply of a time-sensitive product impacting on the community" or "prolonged physical disruption to access to essential goods and services impacting on the community." Time-sensitive products include newspapers and perishable items, and essential goods and services include a system of communication, transport facility, education facility and service relating to health "or another critical public service."[25] These definitions are not obviously unreasonable or exceptionally broad. However, there is a continuing power for the Secretary of State to substitute any other definition at any other time, which includes the power to give specific examples—and thus conceivably singling-out specific existing or imminent protests.

20. The provisions on the use of secondary legislation raise two distinct concerns. The first is that the Secretary of State is authorised to define a statutory term whose function is central in regulating the relationship between public protest and police powers. Secondly, the power to "give examples of cases in which a public procession is or is not to be treated as resulting in serious disruption" comes close to a power to control and perhaps even effectively ban particular protests by discretion. It is not impossible that the new regulation-making powers could be exercised with haste to impose onerous directions on protests even in advance of the protests beginning.[26]

21. ***The significance of the definitions of "serious disruption" mean that they should appear, as they do in the Public Order Act 1986, in the Bill. The Government should remove the power to define serious disruption via secondary legislation from the Bill and add the definitions in the draft regulations to the Bill so that both Houses can debate and have the opportunity of amending them.***

Criminal defences and sentencing

22. Clause 57(3)–(6) removes from organisers and persons participating in processions and assemblies the defence of not having "knowingly" breached a direction from the police. It substitutes a standard of "knows or ought to have known," thus making prosecution easier. Clause 57(6) increases the maximum custodial term a person who breached a direction may serve in England and Wales from three months to 51 weeks. Clause 57(11) makes the same provision for public assemblies.

23 The Public Order Act 1986 (Provision About the Meaning of Certain Powers to Impose Conditions – Serious Disruption) Regulations 202[X]

24 Draft regulation 2(2)

25 Draft regulation 3

26 Section 11 of the 1986 Act requires any planned procession be notified to the police at least six days in advance of being held.

23. The Joint Committee on Human Rights concluded that "[i]t is of real concern that this significant change to the available penalties would allow for a person engaged in peaceful protest to face a sentence of a year in prison."[27] It recommended that the clauses increasing penalties should be removed from the Bill. The increased penalties appear particularly severe in the light of the availability of the new offence of intentionally or recklessly causing public nuisance, which carries a sentence of up to 10 years' imprisonment. ***We recommend the House endorse the recommendation of the Joint Committee on Human Rights that the clauses increasing penalties for those who breach a direction applying to a procession or assembly should be removed from the Bill.***

Unauthorised encampments

24. Clauses 62–64 introduce and regulate a new criminal offence of residing on land without consent in or with a vehicle. The provisions are clearly intended to apply in the main to the activities of Gypsies, Roma and Travellers (GRT) communities.

25. Clause 62 introduces the new offence into the Criminal Justice and Public Order Act 1994.[28] An offence is committed when a person aged 18 or over is residing or is intending to reside on land without the consent of an occupier of the land and they have or intend to have at least one vehicle with them on the land; and where the person without reasonable excuse does not comply as soon as reasonably practicable with a request by the occupier of the land, or a representative or a constable, to leave the land and take any of their property with them. It is also an offence for them to re-enter the land within 12 months of a request by the occupier to leave. In addition to these requirements, the offence will apply only where additional conditions are met (clause 62(4)). These are that significant damage, disruption or distress are caused by the unauthorised person.

26. A person guilty of an offence under this clause is liable to a term of imprisonment for a period not exceeding three months or a fine. Of specific consequence for the GRT communities, particularly travellers, the proposed new section 60D permits an officer to seize any property belonging to the person who committed the offence and retain it for a period of three months if proceedings are not commenced, and for longer if they are. The proposed new section 60E permits a court to order forfeiture of property seized under 60D where a person has been convicted under the offence. The effect of these provisions on many travellers may be to render them and their families homeless.

27. The Joint Committee on Human Rights concluded that the Government's proposals are likely to violate Article 8 of the European Convention on Human Rights.[29] The jurisprudence has been clear for some time that there is a positive obligation on the state to recognise and facilitate travellers'

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27 Joint Committee on Human Rights, *Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill Part 3 (Public Order)* (Second Report, Session 2021–22, HC 331, HL Paper 23), para 90

28 Criminal Justice and Public Order Act 1994

29 The 2019 Conservative Manifesto included a commitment to provide the police with "new powers to arrest and seize the property and vehicles of trespassers who set up unauthorised encampments" and making "intentional trespass a criminal offence; see Conservative and Unionist Party, *Get Brexit Done: Unleash Britain's Potential* (2019), p 19: https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf [accessed 8 September 2021]

distinctly itinerant cultural life[30] and that this requires the provision of authorised accommodation sites. The lack of adequate site provision has been acknowledged by the English courts.[31] This issue was also raised by the Joint Committee on Human Rights, which recommended that if the Government pursues criminalisation of unauthorised encampments, "the Government should reintroduce a statutory duty on local authorities to make adequate site provision for traveller communities."[32]

28. The chair of the National Police Chiefs' Council, Martin Hewitt, acknowledged the lack of authorised encampments in his submission to the House of Commons public bill committee, saying "the fundamental problem is insufficient provision of sites for Gypsy Travellers to occupy".[33] The Deputy Chief Constable Janette McCormick, the Lead for Gypsies, Roma and Travellers at the National Police Chiefs' Council, told the Joint Committee on Human Rights that "[t]he issue of unauthorised encampments is a planning issue [which] has now become a policing issue and a criminalisation issue."[34] It is the view of Martin Hewitt and the Joint Committee on Human Rights that "the existing legislation is sufficient" in this area.[35]

29. Given the jurisprudence of the European Court of Human Rights and the findings of the Joint Committee on Human Rights, it is possible that these provisions will be found either incompatible with the European Convention on Human Rights or substantially read down under section 3 of the Human Rights Act 1998. ***Criminalising unauthorised encampments is unacceptable in a democratic society, particularly in the light of the view of police bodies that the existing powers to deal with unauthorised encampments are sufficient, and that this is fundamentally a planning—rather than a criminal—issue.***

Extension of the use of remote proceedings

The Bill would repeal and replace the scheme in the Coronavirus Act 2020 ("the 2020 Act")[36] which expanded the availability of live links in courts and tribunals in England and Wales.[37] The new provisions in the Bill go beyond those in the 2020 Act in material ways. First, they expand the powers of the courts to use technology across a wider range of hearings and participants so that any person, including members of the jury in a criminal trial, may

30 *Chapman v UK* ECHR Application no. 27238/95 [2001]; *London Borough of Bromley v Persons Unknown, London Gypsies and Travellers and Others* EWCA Civ 12 [2020]

31 *London Borough of Bromley v Persons Unknown, London Gypsies and Travellers and Others* EWCA Civ 12 [2020]; Equality and Human Rights Commission, Police, Crime, Sentencing and Courts Bill: Equality and Human Rights Commission briefing, p 7

32 Joint Committee on Human Rights, *Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill (Part 4): The criminalisation of unauthorised encampments* (Fourth Report, Session 2021–22, HC 478, HL Paper 37), para 32

33 House of Commons Library Briefing, Police, Crime, Sentencing and Courts Bill: Progress of the Bill (2 July 2021),Number 9273, para. 2.5

34 Joint Committee on Human Rights, *Legislative Scrutiny: Police, Crime, Sentencing and Courts Bill (Part 4): The criminalisation of unauthorised encampments* (Fourth Report, Session 2021–22, HC 478, HL Paper 37), para 29

35 The Joint Committee on Human Rights further reports evidence obtained by Freedom of Information request submitted by the Charity Friends, Families and Travellers which revealed that only 21 percent of police bodies agreed with the proposals to criminalise unauthorised encampments.

36 Coronavirus Act 2020

37 Clause 170 of the Bill would repeal sections 53 to 55 of and Schedules 23 to 25 to the Coronavirus Act 2020. Clause 169 amends the Criminal Justice Act 2003 to allow a criminal court to make a direction for the use of live links during "eligible criminal proceedings."

take part in criminal proceedings through a live link.[38] Second, they enable fully remote juries in criminal trials. Third, the safeguards in paragraph 8 of Schedule 23 to the 2020 Act restricted the "conduct of proceedings wholly as video proceedings" by confining them to a specified range of proceedings. They were in the main "preliminary or incidental" proceedings in relation to various appeals or trials, or in the case of certain trials and appeals on substantive matters, they required the parties to agree that the proceedings take place in such fashion.[39] These safeguards will be removed from the Criminal Justice Act 2003[40] when Schedule 23 of the Coronavirus Act 2020 expires in March 2022. There is no equivalent set of safeguards in the Bill.

30. While the decision to issue a live link direction is at the discretion of the judge, who must be satisfied that it is in the interests of justice for the person to whom it relates, instances may arise where the judge is not fully aware of a defendant's circumstances and may therefore be unable to make an informed decision as to whether their right to fair trial will be impeded by remote proceedings. This may be particularly true of disabled defendants. A report by the Equality and Human Rights Commission found: "Video hearings can significantly impede communication and understanding for disabled people with certain impairments, such as a learning disability, autism spectrum disorders and mental health conditions".[41] The report noted: "People with these conditions are significantly over-represented in the criminal justice system."[42]

31. The new powers in the Bill could allow criminal trials to be conducted remotely without the consent of the defendant, thereby removing a potential safeguard—one that was included for certain important kinds of cases in the 2020 Act—against inappropriate use of live links for defendants who are unable to participate effectively in remote proceedings. ***The Government should amend the Bill to require the consent of the defendant before a court can issue a live link direction. Additionally, the Government should legislate for individuals to undergo physical and mental health assessments to determine whether they will be able to participate effectively in remote proceedings before a court issues a live link direction.***

32. In our *COVID-19 and the Courts* report, we observed that "[t]here is insufficient research at present to be certain about the effects of virtual hearings, but there is enough evidence to suggest that caution is required in expanding their use beyond the areas where they are universally seen to work well."[43] We noted Government-funded evidence suggesting that "dealing with defendants on video may disadvantage defendants during sentencing

38 Explanatory Notes to the Police, Crime, Sentencing and Courts Bill [Bill 268 (2019–21)-EN], para 1218

39 For example, in Schedule 3A, paragraph 2 inserted by paragraph 8, an appeal to the Crown Court arising out of a summary trial and proceedings in a summary trial in a magistrates' court could take place only if the parties agree.

40 Criminal Justice Act 2003

41 Equality and Human Rights Commission, *Inclusive justice: a system designed for all: Interim evidence report: Video hearings and their impact on effective participation (April 2020), p 2:* https://www.equalityhumanrights.com/sites/default/files/inclusive_justice_a_system_designed_for_all_interim_report_0.pdf [accessed 8 September 2021]

42 *Ibid.*

43 Constitution Committee, *COVID-19 and the Courts* (22nd Report, Session 2019–21, HL Paper 257), para 292. They were seen to work well in appellate cases and some procedural matters in civil cases, but their functioning in criminal cases was one of those areas in which serious concerns were noted.

hearings."[44] The House of Commons Justice Committee concluded "[t]he pandemic should not be used as an excuse to initiate permanent changes without prior consultation and suitable evaluation of their effects."[45] In June 2020, when asked about remote jury participation in trials in a BBC interview, the Lord Chief Justice expressed a lack of enthusiasm:

> "it seemed to make the jury spectators rather than participants in a trial; and judges and lawyers are undoubtedly concerned … about a lack of engagement between the jury and the advocates; and the jury and the judge; and the jury and the defendant and witnesses."[46]

33. The Government's response to our *COVID-19 and the Courts* report says they "are legislating to allow for remote jury trials within the Police, Crime, Sentencing and Courts Bill. This is an enabling provision. Any implementation would require careful consideration of factors including maintaining fair access to justice and cost."[47] Yet neither the Explanatory Notes nor the provisions of the Bill itself suggest there is an intention to pilot the scheme.

34. The Bill seeks to convert some of the innovations in the Coronavirus Act 2020 for remote court hearings into permanent arrangements and extend them in significant ways. This appears to contradict recommendations by this Committee and the House of Commons Justice Committee. The impact of the reforms in the Coronavirus Act 2020 has not yet been assessed. There also does not appear to be any firm plans by the Government to introduce these powers on a trial basis or through piloting further studies.

35. ***We recommend the Government should commit to a pilot of the use of remote juries, as we recommended in our COVID-19 and the Courts report.***[48]

44 Constitution Committee, *COVID-19 and the Courts* (22nd Report, Session 2019–21, HL Paper 257), para 284

45 Justice Committee, *Coronavirus (COVID-29): The Impact on Courts* (Sixth Report, Session 2019–21, HC 519), para 300

46 BBC, 'Law in Action' (16 June 2020), 21:26: https://www.bbc.co.uk/sounds/play/m000k2m4 [accessed 26 July 2021]

47 Ministry of Justice, Government response to the House of Lords Select Committee on the Constitution 22nd Report of Session 2019–21: COVID-19 and the Courts, p 18

48 Constitution Committee, *COVID-19 and the Courts* (22nd Report, Session 2019–21, HL Paper 257), para 220

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Baroness Corston
Baroness Doocey
Baroness Drake
Lord Dunlop
Lord Faulks
Baroness Fookes
Lord Hennessy of Nympsfield
Lord Hope of Craighead
Lord Howarth of Newport
Lord Howell of Guildford
Lord Sherbourne of Didsbury
Baroness Suttie
Baroness Taylor of Bolton (Chair)

Declarations of interest

Baroness Corston
No relevant interests
Baroness Doocey
No relevant interests
Baroness Drake
No relevant interests
Lord Dunlop
No relevant interests
Lord Faulks
No relevant interests
Baroness Fookes
No relevant interests
Lord Hennessy of Nympsfield
No relevant interests
Lord Hope of Craighead
No relevant interests
Lord Howarth of Newport
No relevant interests
Lord Howell of Guildford
No relevant interests
Lord Sherbourne of Didsbury
No relevant interests
Baroness Suttie
No relevant interests
Baroness Taylor of Bolton (Chair)
No relevant interests

A full list of members' interests can be found in the Register of Lords' Interests: https://members.parliament.uk/members/lords/interests/register-of-lords-interests

Professor Stephen Tierney, University of Edinburgh, and Professor Alison Young, University of Oxford, acted as legal advisers to the Committee. They both declared no relevant interests.