

Victims and Prisoners Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Justice, have been ordered to be published as HL Bill 31—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Bellamy has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Victims and Prisoners Bill are compatible with the Convention rights.

Victims and Prisoners Bill

[AS BROUGHT FROM THE COMMONS]

CONTENTS

PART 1

VICTIMS OF CRIMINAL CONDUCT

Meaning of “victim”

- 1 Meaning of “victim”

Victims’ code

- 2 The victims’ code
- 3 Preparing and issuing the victims’ code
- 4 Revising the victims’ code
- 5 Effect of non-compliance
- 6 Code awareness and reviewing compliance: criminal justice bodies
- 7 Reviewing code compliance: elected local policing bodies
- 8 Code awareness and reviewing compliance: British Transport Police
- 9 Code awareness and reviewing compliance: Ministry of Defence Police
- 10 Publication of code compliance information
- 11 Guidance on code awareness and reviewing compliance

Collaboration in exercise of victim support functions

- 12 Duty to collaborate in exercise of victim support functions
- 13 Strategy for collaboration in exercise of victim support functions
- 14 Guidance on collaboration in exercise of victim support functions

Independent domestic violence and sexual violence advisors

- 15 Guidance about independent domestic violence and sexual violence advisors

Domestic abuse related deaths

- 16 Restricting parental responsibility where one parent kills the other
- 17 Domestic abuse related death reviews

Victims’ Commissioner

- 18 Commissioner for Victims and Witnesses

Inspections by criminal justice inspectorates

- 19 His Majesty's Chief Inspector of Prisons
- 20 His Majesty's Chief Inspector of Constabulary
- 21 His Majesty's Chief Inspector of the Crown Prosecution Service
- 22 His Majesty's Chief Inspector of Probation for England and Wales

Parliamentary Commissioner for Administration

- 23 Parliamentary Commissioner for Administration

Information relating to victims

- 24 Information relating to victims
- 25 Information relating to victims: service police etc

Data protection

- 26 Data protection

Consequential provision

- 27 Consequential provision

PART 2

VICTIMS OF MAJOR INCIDENTS

Meaning of "major incident" etc

- 28 Meaning of "major incident" etc

Appointment of advocates

- 29 Appointment of standing advocate
- 30 Appointment of advocates in respect of major incidents
- 31 Terms of appointment
- 32 Appointment of more than one advocate in respect of same major incident

Functions and powers of advocates in respect of major incidents

- 33 Functions of an independent public advocate
- 34 Role of advocates under Part 1 of the Coroners and Justice Act 2009

Functions and powers of advocates: general

- 35 Reports to the Secretary of State
- 36 Publication of reports
- 37 Information sharing and data protection

Guidance for advocates

- 38 Guidance for advocates

Consequential amendments

- 39 Part 2: consequential amendments

PART 3

INFECTED BLOOD COMPENSATION BODY

- 40 Compensation for victims of the infected blood scandal

PART 4

PRISONERS

Public protection decisions

- 41 Public protection decisions: life prisoners
42 Public protection decisions: fixed-term prisoners
43 Amendment of power to change test for release on licence of certain prisoners

Referral of release decisions to Secretary of State

- 44 Referral of release decisions: life prisoners
45 Referral of release decisions: fixed-term prisoners

Licence conditions on release following referral

- 46 Licence conditions of life prisoners released following referral
47 Licence conditions of fixed-term prisoners released following referral

Imprisonment or detention for public protection: termination of licences

- 48 Imprisonment or detention for public protection: termination of licences

Application of Convention rights

- 49 Section 3 of the Human Rights Act 1998: life prisoners
50 Section 3 of the Human Rights Act 1998: fixed-term prisoners
51 Section 3 of the Human Rights Act 1998: power to change release test
52 Application of certain Convention rights in prisoner release cases

The Parole Board

- 53 Parole Board rules
54 Parole Board membership

Whole life prisoners prohibited from forming a marriage or civil partnership

- 55 Whole life prisoners prohibited from forming a marriage
56 Whole life prisoners prohibited from forming a civil partnership

PART 5

GENERAL

- 57 Financial provision
- 58 Power to make consequential provision
- 59 Regulations
- 60 Extent
- 61 Commencement
- 62 Short title

Schedule – Offences relevant to public protection decisions

[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make provision about victims of criminal conduct and others affected by criminal conduct; about the appointment and functions of advocates for victims of major incidents; about the release of prisoners; about the membership and functions of the Parole Board; to prohibit certain prisoners from forming a marriage or civil partnership; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

VICTIMS OF CRIMINAL CONDUCT

Meaning of “victim”

1 Meaning of “victim”

- (1) In this Part, “victim” means a person who has suffered harm as a direct result of— 5
- (a) being subjected to criminal conduct, or
 - (b) one or more of the circumstances mentioned in subsection (2).
- (2) The circumstances are—
- (a) where the person has seen, heard, or otherwise directly experienced the effects of, criminal conduct at the time the conduct occurred; 10
 - (b) where the person’s birth was the direct result of criminal conduct;
 - (c) where the death of a close family member of the person was the direct result of criminal conduct;
 - (d) where the person is a child who is a victim of domestic abuse which constitutes criminal conduct. 15
- (3) The reference in subsection (2)(d) to a child who is a victim of domestic abuse is to be read in accordance with Part 1 of the Domestic Abuse Act 2021.
- (4) For the purposes of this Part—

- (a) “harm” includes physical, mental or emotional harm and economic loss;
 - (b) “criminal conduct” means conduct which constitutes an offence.
- (5) It is immaterial for the purposes of subsection (4)(b) that—
- (a) no person has reported the offence; 5
 - (b) no person has been charged with or convicted of the offence.
- (6) In section 52(3)(a) of the Domestic Violence, Crime and Victims Act 2004, for “complaint has been made about” substitute “person has reported”.

Victims’ code

- 2 The victims’ code** 10
- (1) The Secretary of State must issue a code of practice as to the services to be provided to victims by persons appearing to the Secretary of State to have functions relating to—
- (a) victims, or
 - (b) any aspect of the criminal justice system. 15
- (2) In this Part, the “victims’ code” means the code of practice issued under this section that is for the time being in operation (but see subsection (11)).
- (3) The victims’ code must make provision for services which reflect the principles that victims—
- (a) should be provided with information to help them understand the criminal justice process; 20
 - (b) should be able to access services which support them (including, where appropriate, specialist services);
 - (c) should have the opportunity to make their views heard in the criminal justice process; 25
 - (d) should be able to challenge decisions which have a direct impact on them.
- (4) The Secretary of State may by regulations make further provision about the victims’ code, including about matters that the code must include.
- (5) But the Secretary of State may make regulations under subsection (4) only if satisfied that provision made in the code in compliance with the regulations would not result in—
- (a) a significant reduction in the quality or extent of the services provided in accordance with the victims’ code, or
 - (b) a significant restriction in the description of persons to whom services are provided in accordance with the victims’ code. 30
- (6) The victims’ code may restrict the application of its provisions to—
- (a) victims of specified descriptions (including those who are victims by virtue of specified conduct or conduct constituting specified offences); 35

- (b) specified persons who have functions of the kind mentioned in subsection (1).
- (7) The victims' code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons— 5
 - (a) instead of the victim (for example, where the victim has died), or
 - (b) as well as the victim.
- (8) The victims' code may make different provision for different purposes, including different provision for— 10
 - (a) victims of different descriptions;
 - (b) persons who have different functions of a kind mentioned in subsection (1);
 - (c) different areas.
- (9) The victims' code may not require anything to be done by— 15
 - (a) a person acting in a judicial capacity, or on the instructions of or on behalf of such a person;
 - (b) a person acting in the discharge of a prosecution function, if that function involves the exercise of a discretion.
- (10) In this section, “specified” means specified in the victims' code.
- (11) Until the first code of practice issued under this section is in operation, references in sections 6 to 11 and 26 to the “victims' code” are to the code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 that is for the time being in operation. 20

3 Preparing and issuing the victims' code

- (1) This section applies in relation to the code of practice required to be issued under section 2. 25
- (2) The Secretary of State must prepare a draft of the code.
- (3) In preparing the draft the Secretary of State must consult the Attorney General.
- (4) After preparing the draft the Secretary of State must— 30
 - (a) publish the draft;
 - (b) specify a period during which representations about the draft may be made to the Secretary of State.
- (5) The Secretary of State must— 35
 - (a) consider, in consultation with the Attorney General, any representations about the draft made to the Secretary of State before the end of the period specified in accordance with subsection (4)(b);
 - (b) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (6) After carrying out the duties under subsection (5), the Secretary of State must lay the draft code before Parliament. 40

- (7) When the draft code has been laid before Parliament in accordance with subsection (6), the Secretary of State must bring it into operation on such day as the Secretary of State appoints by regulations.
- (8) A requirement under any of subsections (2) to (5) may be met by steps taken before (as well as after) this section comes into force. 5

4 Revising the victims' code

- (1) The Secretary of State may from time to time revise the victims' code.
- (2) But the Secretary of State may revise the victims' code only if satisfied that the proposed revisions would not result in—
- (a) a significant reduction in the quality or extent of the services provided in accordance with the code, or 10
 - (b) a significant restriction in the description of persons to whom services are provided in accordance with the code.
- (3) The procedure in section 3 applies to a revision of the victims' code, except that if the Secretary of State considers that all of the revisions are minor the procedure in subsection (5) may be used instead. 15
- (4) Revisions are minor if—
- (a) they make corrections or clarifications, or
 - (b) they are consequential on changes to the law, practice or procedure relating to any aspect of the criminal justice system. 20
- (5) The procedure in this subsection is that the Secretary of State must—
- (a) consult the Attorney General about the proposed revisions,
 - (b) lay a draft of the revised code before Parliament, and
 - (c) when the draft revised code has been laid before Parliament, bring it into operation on such day as the Secretary of State appoints by regulations. 25

5 Effect of non-compliance

- (1) If a person fails to act in accordance with the victims' code, the failure does not of itself make that person liable to criminal or civil proceedings.
- (2) But the victims' code is admissible in evidence in criminal or civil proceedings, and a court may take into account a failure to act in accordance with the code in determining a question in the proceedings. 30

6 Code awareness and reviewing compliance: criminal justice bodies

- (1) Each criminal justice body which provides services in a police area must—
- (a) take reasonable steps to promote awareness of the victims' code among users of those services and other members of the public, and 35
 - (b) keep under review whether and how those services are provided in accordance with the victims' code.

- (2) A criminal justice body which provides services in a police area must, in particular, undertake the following activities in such manner as may be prescribed –
- (a) collect prescribed information about the provision of those services;
 - (b) share prescribed information about the provision of those services with –
 - (i) each other criminal justice body which provides services in the police area, or such of those bodies as may be prescribed, and
 - (ii) the elected local policing body for the police area;
 - (c) review information shared under paragraph (b) with the bodies with whom the information is shared.
- (3) In subsection (2), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under subsection (2) may, in particular –
- (a) prescribe different information to be collected or shared by different bodies;
 - (b) prescribe different information in relation to different services;
 - (c) prescribe information relating to the characteristics or experiences of users of services;
 - (d) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
 - (e) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).
- (6) In this section, “criminal justice body” means –
- (a) the chief officer of police for the police area in question;
 - (b) the Crown Prosecution Service;
 - (c) the Lord Chancellor, in the exercise of functions under section 1 of the Courts Act 2003 or section 39 of the Tribunals, Courts and Enforcement Act 2007;
 - (d) the Secretary of State, in the exercise of functions in relation to prisons;
 - (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
 - (f) the Secretary of State, in the exercise of functions in relation to probation provision within the meaning of Part 1 of the Offender Management Act 2007 (see section 2(1) of that Act).
- (7) In subsection (6)(d), “prison” includes any youth detention accommodation within the meaning given by section 248(1) of the Sentencing Code (detention and training orders).

7 Reviewing code compliance: elected local policing bodies

- (1) The elected local policing body for a police area must keep under review whether and how criminal justice bodies which provide services in the police area provide those services in accordance with the victims’ code.
- (2) The elected local policing body for a police area must, in particular, undertake the following activities in such manner as may be prescribed—
- (a) provide the Secretary of State with information shared with it under section 6(2)(b), or such of that information as may be prescribed;
 - (b) participate in any review under section 6(2)(c);
 - (c) provide the Secretary of State with such reports, on such matters in connection with a review under section 6(2)(c), as may be prescribed.
- (3) In subsection (2), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under subsection (2) may, in particular—
- (a) prescribe the times at which, or periods within which, information or a report must be provided;
 - (b) prescribe the form in which information or a report must be provided, or require information or a report to be provided in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).
- (6) In this section, “criminal justice body” has the meaning given by section 6(6).

8 Code awareness and reviewing compliance: British Transport Police

- (1) In this section—
- “the Authority” is the British Transport Police Authority;
 - “the Chief Constable” is the Chief Constable of the British Transport Police Force;
 - “relevant services” are services provided in England and Wales by the Chief Constable.
- (2) The Chief Constable must take reasonable steps to promote awareness of the victims’ code among users of relevant services and other members of the public.
- (3) The Chief Constable and the Authority must keep under review whether and how relevant services are provided in accordance with the victims’ code.
- (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed—
- (a) collect prescribed information about the provision of relevant services;

- (b) share with the Authority prescribed information about the provision of relevant services;
 - (c) review with the Authority information shared under paragraph (b).
 - (5) The Authority must, in particular, undertake the following activities in such manner as may be prescribed – 5
 - (a) provide the Secretary of State with the information shared with it under subsection (4)(b), or such of that information as may be prescribed;
 - (b) participate in any review under subsection (4)(c);
 - (c) provide the Secretary of State with such reports, on such matters in connection with a review under subsection (4)(c), as may be prescribed. 10
 - (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State.
 - (7) Regulations under this section may, in particular – 15
 - (a) prescribe different information in relation to different services;
 - (b) prescribe information relating to the characteristics or experiences of users of services;
 - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed, or information or a report must be provided to the Secretary of State; 20
 - (d) prescribe the form in which information must be collected or shared, or information or a report must be provided to the Secretary of State, or require those things to be done in such form as may be specified in a notice issued from time to time by the Secretary of State.
 - (8) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force). 25
- 9 Code awareness and reviewing compliance: Ministry of Defence Police**
- (1) In this section – 30
 - “the Chief Constable” is the Chief Constable of the Ministry of Defence Police;
 - “relevant services” are services provided in England and Wales by the Chief Constable.
 - (2) The Chief Constable must take reasonable steps to promote awareness of the victims’ code among users of relevant services and other members of the public. 35
 - (3) The Chief Constable and the Secretary of State must keep under review whether and how relevant services are provided in accordance with the victims’ code. 40
 - (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed –

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- (a) collect prescribed information about the provision of relevant services;
 - (b) share with the Secretary of State prescribed information about the provision of relevant services;
 - (c) review with the Secretary of State information shared under paragraph (b). 5
- (5) The Secretary of State must, in particular –
- (a) participate in any review under subsection (4)(c);
 - (b) prepare such reports, on such matters in connection with a review under subsection (4)(c), as may be prescribed.
- (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State. 10
- (7) Regulations under this section may, in particular –
- (a) prescribe different information in relation to different services;
 - (b) prescribe information relating to the characteristics or experiences of users of services; 15
 - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
 - (d) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State. 20
- (8) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force). 25
- 10 Publication of code compliance information**
- (1) The Secretary of State must publish such compliance information as the Secretary of State considers will enable members of the public to assess the code compliance of the following persons –
- (a) each criminal justice body which provides services in a police area; 30
 - (b) the Chief Constable of the British Transport Police Force;
 - (c) the Chief Constable of the Ministry of Defence Police.
- (2) For these purposes –
- (a) “compliance information” means information provided to the Secretary of State under section 7(2)(a), 8(5)(a) or 9(4)(b); 35
 - (b) the “code compliance” of a person is the extent to which the services provided in the relevant area by the person, in the period to which the compliance information relates, were provided in accordance with the victims’ code.
- (3) In subsection (2)(b), “relevant area” means – 40
- (a) in relation to a criminal justice body which provides services in a police area, that area;

- (b) in relation to the Chief Constable of the British Transport Police Force or the Chief Constable of the Ministry of Defence Police, England and Wales.
- (4) Information published under this section –
 - (a) must be published as soon as is reasonably practicable after the end of the period to which it relates; 5
 - (b) may be published in such form and manner as the Secretary of State considers appropriate.
- (5) Where information published by the Secretary of State under subsection (1)(a) relates to a particular police area, the elected local policing body for the area must take reasonable steps to make members of the public in the area aware of how to access the information. 10
- (6) In this section, “criminal justice body” has the meaning given by section 6(6).

11 Guidance on code awareness and reviewing compliance

- (1) The Secretary of State must issue guidance about the discharge of duties under sections 6 to 10 (and any person subject to such a duty must have regard to the guidance when discharging the duty). 15
- (2) The guidance may, in particular, include provision –
 - (a) about ways of promoting awareness of the victims’ code (including different provision in relation to users of services provided by a person and other members of the public); 20
 - (b) about the way in which information is collected (and in particular, how information in relation to children or individuals who have protected characteristics within the meaning of the Equality Act 2010 is collected); 25
 - (c) about the way in which information is shared and reviewed (including, where meetings are held to review information, about the conduct of such meetings);
 - (d) about the steps that an elected local policing body for a police area must take, where section 10(5) applies, to make members of the public aware of how to access compliance information published by the Secretary of State which relates to the police area. 30
- (3) Before issuing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes in force). 35

*Collaboration in exercise of victim support functions***12 Duty to collaborate in exercise of victim support functions**

- (1) The relevant authorities for a police area in England must collaborate with each other in the exercise in the area of their functions in relation to relevant victim support services. 5
- (2) A relevant authority exercises a function in relation to relevant victim support services if it exercises the function in relation to—
- (a) the provision of such services, or
 - (b) the commissioning of such services provided by another person.
- (3) The “relevant authorities” for a police area in England are— 10
- (a) the local policing body for the police area,
 - (b) an integrated care board, established under Chapter A3 of Part 2 of the National Health Service Act 2006, all or part of whose area falls within the police area, and
 - (c) a local authority, all or part of whose area falls within the police area. 15
- (4) For the purposes of subsection (3)(c), “local authority” means—
- (a) a county council,
 - (b) a district council for an area for which there is no county council,
 - (c) the Greater London Authority, or
 - (d) the Council of the Isles of Scilly. 20
- (5) “Relevant victim support service” means a service, other than accommodation-based support, provided to support victims of criminal conduct which constitutes—
- (a) domestic abuse,
 - (b) conduct of a sexual nature, or 25
 - (c) serious violence.
- (6) In subsection (5), “accommodation-based support” and “domestic abuse” have the same meanings as in the Domestic Abuse Act 2021 (see sections 1 and 57 of that Act).
- (7) For the purposes of subsection (5)(c), “violence” includes— 30
- (a) violence against property, and
 - (b) threats of violence,
- but does not include terrorism within the meaning of the Terrorism Act 2000 (see section 1 of that Act).
- (8) In considering whether violence amounts to serious violence, the relevant authorities must, in particular, take into account— 35
- (a) the maximum penalty which could be imposed for any offence which the conduct constitutes, and
 - (b) the impact of the conduct on any victim.

- (9) Collaboration under this section may include the processing of information within the meaning given by section 3 of the Data Protection Act 2018.

13 Strategy for collaboration in exercise of victim support functions

- (1) For the purposes of section 12, the relevant authorities for a police area in England must together – 5
- (a) prepare a strategy for the exercise in the area of their functions in relation to relevant victim support services,
 - (b) set out in the strategy how they consider they are fulfilling, or intend to fulfil, the duty under section 12, and
 - (c) implement the strategy. 10
- (2) In preparing the strategy, the relevant authorities must –
- (a) make reasonable efforts to obtain the views of victims in the police area,
 - (b) consult persons appearing to the relevant authorities to represent persons providing relevant victim support services in the police area, and 15
 - (c) consult such other persons as the relevant authorities consider appropriate.
- (3) In preparing the strategy, the relevant authorities must –
- (a) assess the needs of victims in the police area for relevant victim support services, 20
 - (b) assess whether and how those needs are being met by the services which are available (whether or not provided by the relevant authorities), and
 - (c) have regard to those assessments. 25
- (4) When making an assessment under subsection (3), the relevant authorities must have regard to the particular needs of victims who are children or have protected characteristics within the meaning of the Equality Act 2010.
- (5) Once the strategy has been prepared the relevant authorities must –
- (a) publish the strategy, 30
 - (b) keep the strategy under review, and
 - (c) from time to time prepare a revised strategy.
- (6) Subsections (1) to (5) apply to a revised strategy as they apply to the original strategy.
- (7) In this section, “relevant authority” and “relevant victim support service” 35 have the meanings given by section 12.

14 Guidance on collaboration in exercise of victim support functions

- (1) The Secretary of State must issue guidance to assist relevant authorities for police areas in England in the discharge of the duties under sections 12 and

13 (and such authorities must have regard to the guidance when discharging those duties).

- (2) Before issuing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes in force). 5
- (3) In this section, “relevant authority” has the meaning given by section 12(3).

Independent domestic violence and sexual violence advisors

15 Guidance about independent domestic violence and sexual violence advisors

- (1) The Secretary of State must issue guidance about— 10
- (a) independent domestic violence advisors;
 - (b) independent sexual violence advisors.
- (2) For the purposes of this section—
- (a) “independent domestic violence advisor” means a person who provides a relevant service to individuals who are victims of criminal conduct which constitutes domestic abuse; 15
 - (b) “independent sexual violence advisor” means a person who provides a relevant service to individuals who are victims of criminal conduct which constitutes conduct of a sexual nature.
- (3) A service is “relevant” for the purposes of paragraph (a) or (b) of subsection (2) if it is provided to support an individual mentioned in that paragraph in relation to the conduct by virtue of which the individual is a victim. 20
- (4) Guidance under this section about independent domestic violence advisors or independent sexual violence advisors must include provision about—
- (a) the role of such advisors; 25
 - (b) the services such advisors provide to—
 - (i) victims, including (where relevant) victims who are children or have protected characteristics within the meaning of the Equality Act 2010, or
 - (ii) persons who are not victims, where that service is provided in connection with a service provided to a victim; 30
 - (c) how such advisors and other persons who have functions relating to victims, or any aspect of the criminal justice system, should work together;
 - (d) appropriate training and qualifications for such advisors. 35
- (5) Independent domestic violence advisors and independent sexual violence advisors must have regard to guidance under this section when exercising their functions.

- (6) Any other person who has functions relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where –
 - (a) the person is exercising such a function, and
 - (b) the guidance is relevant to the exercise of that function.
- (7) Subsection (6) does not apply to anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person.
- (8) In this section, “domestic abuse” has the same meaning as in the Domestic Abuse Act 2021 (see section 1 of that Act).

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Domestic abuse related deaths

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16 Restricting parental responsibility where one parent kills the other

- (1) The Children Act 1989 is amended in accordance with subsections (2) to (7).
- (2) In section 8 (child arrangements orders and other orders with respect to children), in the closing words of subsection (3), after “include” insert “proceedings in the Crown Court under section 10A or”.
- (3) After section 10 insert –

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“10A Duty of Crown Court to make prohibited steps order

- (1) This section applies where –
 - (a) a child has two parents at least one of whom has parental responsibility for the child, and
 - (b) a parent who has parental responsibility for the child (“the offender”) is convicted of the murder or, in the circumstances mentioned in subsection (2), manslaughter of the other parent.
- (2) The circumstances are where, but for section 54 of the Coroners and Justice Act 2009 (loss of control) or section 2 of the Homicide Act 1957 (diminished responsibility), the offender would have been liable to be convicted for murder.
- (3) The Crown Court must make a prohibited steps order when sentencing the offender.
- (4) The order must –
 - (a) specify that no step which could be taken by a parent in meeting their parental responsibility for a child may be taken by the offender with respect to the child without the consent of the High Court or the family court, and
 - (b) be made to have effect until the order is varied or discharged
- (5) But the Crown Court must not make a prohibited steps order under this section if –

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- (a) a prohibited steps order is already in force that meets the requirements in subsection (4), or
 - (b) in a case where the offender is convicted of manslaughter, it appears to the Crown Court that it would not be in the interests of justice to do so. 5
- (6) Sections 1, 7 and 11 do not apply where the Crown Court proceeds under this section.
- (7) A prohibited steps order made under this section does not cease to have effect if the offender is acquitted of the murder or manslaughter on appeal (but see section 10B(3) and (4)). 10
- (8) A prohibited steps order made under this section is to be treated for the purposes of section 31F(6) of the Matrimonial and Family Proceedings Act 1984 (proceedings and decisions) as if it were made by the family court.
- (9) The Crown Court does not have jurisdiction to entertain any proceedings in connection with the enforcement of a prohibited steps order made under this section. 15

10B Review of orders made under section 10A

- (1) This section applies where a prohibited steps order is made under section 10A prohibiting the taking of steps by a parent with respect to a child. 20
- (2) The local authority that is the relevant local authority at the time the order is made must make an application to the court (see section 92(7)) to review the order.
- (3) Subsection (4) applies if— 25
 - (a) the application under subsection (2) has been disposed of (whether or not the order was varied), and
 - (b) the parent is acquitted on appeal of the murder or manslaughter that resulted in the making of the order.
- (4) The local authority that is the relevant local authority at the time the verdict of acquittal is entered must make an application to the court to review the order. 30
- (5) An application under this section must be made as soon as is reasonably practicable and in any event before the end of the period of 14 days beginning with the day after the day on which— 35
 - (a) in the case of an application under subsection (2), the order was made;
 - (b) in the case of an application under subsection (4), the verdict of acquittal was entered.
- (6) The Secretary of State may by regulations amend the period specified in subsection (5). 40

- (7) In this section “relevant local authority” means –
- (a) where the child with respect to whom the order was made is ordinarily resident within the area of a local authority in England or Wales, that local authority;
 - (b) where the child with respect to whom the order was made does not fall within paragraph (a) but is present within the area of a local authority in England or Wales, that local authority.” 5
- (4) In section 9 (restrictions on making section 8 orders) –
- (a) in subsection (1), after “applies” insert “or a prohibited steps order made under section 10A”; 10
 - (b) in subsection (6A), after “applies” insert “or a prohibited steps order made under section 10A”;
 - (c) after subsection (7) insert –
 - “(8) Subsection (7) does not apply to a prohibited steps order made under section 10A.” 15
- (5) In section 33 (effect of care order), after subsection (3) insert –
- “(3A) Where a prohibited steps order made under section 10A is in force in relation to a parent, the authority may only exercise the power in subsection (3)(b) in relation to the taking of a step by that parent that is not prohibited by that order.” 20
- (6) In section 91 (effect and duration of orders etc) –
- (a) in subsection (2), after “section 8 order” insert “(other than a prohibited steps order made under section 10A)”;
 - (b) after subsection (5A) insert – 25
 - “(5B) Subsection (5C) applies where –
 - (a) a prohibited steps order (the “existing order”) is in force prohibiting the taking of steps by a parent (“P”) with respect to a child (“C”), and
 - (b) a prohibited steps order is made under section 10A in relation to P with respect to C. 30
 - (5C) The existing order is discharged (except to the extent that it prohibits the taking of steps other than by P with respect to C).”
- (7) In section 104 (regulations and orders) – 35
- (a) in each of subsections (2) and (3A), after “subsection” insert “(3AZA),”;
 - (b) after subsection (3A) insert –
 - “(3AZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 10B(6).”

- (8) In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), after subsection (2) insert –

“(2A) A prohibited steps order made under section 10A of the Children Act 1989 is not a sentence for the purposes of this Act.”

17 Domestic abuse related death reviews 5

- (1) The Domestic Violence, Crime and Victims Act 2004 is amended in accordance with subsections (2) to (4).

- (2) After section 8 insert –

“Domestic abuse related death reviews

8A Establishment and conduct of reviews 10

- (1) In this section “domestic abuse related death review” means a review of the circumstances of the death of a person which is held –

- (a) where the death has, or appears to have, resulted from domestic abuse towards the person within the meaning of the Domestic Abuse Act 2021, and 15
- (b) with a view to identifying the lessons to be learned from the death.

- (2) The Secretary of State may in a particular case direct a specified person or body within subsection (6) to establish, or to participate in, a domestic abuse related death review. 20

- (3) It is the duty of any person or body within subsection (6) establishing or participating in a domestic abuse related death review (whether or not held pursuant to a direction under subsection (2)) to have regard to any guidance issued by the Secretary of State as to the establishment and conduct of such reviews. 25

- (4) A person or body within subsection (6) that establishes a domestic abuse related death review (whether or not held pursuant to a direction under subsection (2)) must send a copy of any report setting out the conclusions of the review to the Secretary of State and the Domestic Abuse Commissioner. 30

- (5) The copy must be sent as soon as reasonably practicable after the report is completed.

- (6) The persons and bodies within this subsection are – 35
- chief officers of police for police areas in England and Wales;
 - local authorities;
 - NHS England;
 - integrated care boards established under section 14Z25 of the National Health Service Act 2006;
 - providers of probation services;

- Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;
NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006. 5
- (7) In subsection (6) “local authority” means –
(a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
(b) in relation to Wales, the council of a county or county borough. 10
- (8) The Secretary of State may by order amend subsection (6) or (7).”
- (3) In section 9 (establishment and conduct of domestic homicide reviews) –
(a) in each of subsections (2) and (3) –
(i) for “Secretary of State” substitute “Department of Justice in Northern Ireland”; 15
(ii) for “(4)” substitute “(4)(b)”;
(b) omit subsections (3A), (3B), (3C), (4)(a), (5) and (6).
- (4) In section 61 (orders), in subsection (3), for “9(6)” substitute “8A(8)”.
- (5) In section 26 of the Police, Crime, Sentencing and Courts Act 2022 (relationship of offensive weapons homicide reviews with other review requirements), in subsection (1)(b) – 20
(a) after “of a” insert “domestic abuse related death review or”;
(b) for “section” substitute “sections 8A and”.

Victims’ Commissioner

- 18 Commissioner for Victims and Witnesses** 25
- (1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) In section 49 (functions of Commissioner for Victims and Witnesses) –
(a) in subsection (2)(c), after “remit” insert “(whether or not made by way of inclusion in a report prepared under paragraph (b) or subsection (4))”; 30
(b) after subsection (4) insert –
“(4A) A report prepared under subsection (2)(b) or (4) may include provision making recommendations to any authority within the Commissioner’s remit.”;
- (c) after subsection (5) insert – 35
“(5A) The Commissioner must arrange for each report prepared under subsection (4) to be laid before Parliament.”

(3) After section 49 insert –

“49A Duty to respond to Commissioner’s recommendations

- (1) This section applies where the Commissioner publishes a report under section 49(2)(b) or (4) containing recommendations to an authority within the Commissioner’s remit. 5
- (2) The relevant person must prepare comments on the report.
- (3) The relevant person is –
- (a) where the authority is a government department in the charge of a Minister of the Crown, the Minister, or
- (b) in any other case, the authority. 10
- (4) The comments must include, in respect of each recommendation made in the report, an explanation of –
- (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or
- (b) why the relevant person has not taken, or does not propose to take, any action in response. 15
- (5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate.
- (6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published. 20
- (7) The relevant person must send a copy of anything published under subsection (6) to –
- (a) the Commissioner, and
- (b) (unless the authority is a government department in the charge of a Minister of the Crown) the Secretary of State.” 25
- (4) In Schedule 9 (authorities within Commissioner’s remit) –
- (a) for paragraphs 1VA to 8B substitute –
- “1 A government department in the charge of a Minister of the Crown.”;
- (b) after paragraph 11 insert – 30
- “11A A local policing body.”;
- (c) after paragraph 16 insert –
- “16A His Majesty’s Inspectors of Constabulary.”;
- (d) after paragraph 29 insert –
- “29A His Majesty’s Chief Inspector of the Crown Prosecution Service. 35
- 29B His Majesty’s Chief Inspector of Prisons.
- 29C His Majesty’s Inspectorate of Probation for England and Wales.”

Inspections by criminal justice inspectorates

19 His Majesty’s Chief Inspector of Prisons

- (1) Schedule A1 to the Prison Act 1952 (further provision about Chief Inspector) is amended as follows.
- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert –
“*(ia)* the Commissioner for Victims and Witnesses, and”.
- (3) In paragraph 5 (joint action), after sub-paragraph (6) insert –
“(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.
- (8) In sub-paragraph (7) –
“specified” means specified in the direction;
“victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.”

20 His Majesty’s Chief Inspector of Constabulary

- (1) Schedule 4A to the Police Act 1996 (further provision about inspectors of constabulary) is amended as follows.
- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert –
“(ia) the Commissioner for Victims and Witnesses, and”.
- (3) In paragraph 5 (joint action), after sub-paragraph (6) insert –
“(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.
- (8) In sub-paragraph (7) –
“specified” means specified in the direction;
“victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.”

21 His Majesty’s Chief Inspector of the Crown Prosecution Service

- (1) The Schedule to the Crown Prosecution Service Inspectorate Act 2000 (further provision about Chief Inspector) is amended as follows.

- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert –
- “(ia) the Commissioner for Victims and Witnesses, and”.
- (3) In paragraph 5 (joint action), after sub-paragraph (6) insert –
- “(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims. 5
- (8) In sub-paragraph (7) –
- “specified” means specified in the direction; 10
- “victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.”

22 His Majesty’s Chief Inspector of Probation for England and Wales

- (1) Schedule 1A to the Criminal Justice and Court Services Act 2000 (further provision about the inspectorate) is amended as follows. 15
- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert –
- “(ia) the Commissioner for Victims and Witnesses, and”.
- (3) In paragraph 5 (joint action), after sub-paragraph (6) insert –
- “(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims. 20
- (8) In sub-paragraph (7) –
- “specified” means specified in the direction; 25
- “victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.”

Parliamentary Commissioner for Administration

23 Parliamentary Commissioner for Administration

- (1) The Parliamentary Commissioner Act 1967 is amended as follows. 30
- (2) Section 5 (matters subject to investigation) is amended in accordance with subsections (3) to (5).
- (3) In subsection (1) –
- (a) for paragraph (a) substitute –
- “(a) a written complaint is duly made by a member of the public, who claims to have sustained injustice in 35

- consequence of maladministration in connection with the action so taken, to—
- (i) the Commissioner, if the complaint relates to the complainant’s experience as a victim, or
 - (ii) in any other case, a member of the House of Commons, and”;
- (b) in paragraph (b), at the beginning insert “in a case falling within paragraph (a)(ii),”.
- (4) In subsection (1A)—
- (a) for paragraph (a) substitute—
- “a) a written complaint is duly made by a member of the public, who claims that a person has failed to perform a relevant duty owed by that person to the member of the public, to—
- (i) the Commissioner, if the complaint relates to the complainant’s experience as a victim, or
 - (ii) in any other case, a member of the House of Commons, and”;
- (b) in paragraph (b), at the beginning insert “in a case falling within paragraph (a)(ii),”.
- (5) After subsection (9A) insert—
- “(9B) In this section “victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.”
- (6) Section 6 (provisions relating to complaints) is amended in accordance with subsections (7) to (10).
- (7) After subsection (1A) insert—
- “(1B) A complaint under section 5(1)(a)(i) or (1A)(a)(i) may also be made by a person who is authorised to act on behalf of the person aggrieved.”
- (8) In subsection (2), for the words from “for himself” to the end substitute “or, where subsection (1B) applies, to authorise another person to act, the complaint may be made by the person’s personal representative, or by a member of the person’s family, or by another individual suitable to represent the person.”
- (9) After subsection (2) insert—
- “(2A) Except as provided by subsections (1B) and (2), a complaint may not be entertained under this Act unless made by the person aggrieved.”
- (10) In subsection (3), omit “to a member of the House of Commons”.
- (11) Section 10 (Commissioner’s reports) is amended in accordance with subsections (12) to (14).
- (12) In subsection (1)—

- (a) for “under this Act” substitute “pursuant to a complaint made to a member of the House of Commons under section 5(1)(a)(ii) or (1A)(a)(ii),”;
- (b) for “House of Commons” substitute “that House”.
- (13) After subsection (1) insert – 5
- “(1A) In any case where the Commissioner conducts an investigation pursuant to a complaint made to the Commissioner under section 5(1)(a)(i) or (1A)(a)(i), or decides not to conduct such an investigation, the Commissioner –
- (a) must send to the person who made the complaint a report of the results of the investigation or, as the case may be, a statement of the Commissioner’s reasons for not conducting an investigation, and 10
- (b) may, with the consent of the person who made the complaint, send the report or statement to such member of the House of Commons as the Commissioner considers appropriate. 15
- (1B) References in subsection (1A) to the person who made the complaint are, in a case where the complaint is made by a person authorised to act on behalf of the person aggrieved (see section 6(1B)), to that authorised person.” 20
- (14) In subsection (5)(d), after “subsection” insert “(1A),”.

Information relating to victims

24 Information relating to victims

In Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (prevention, investigation and prosecution of crime), after Chapter 3 insert – 25

“CHAPTER 3A

REQUESTS FOR INFORMATION RELATING TO VICTIMS

44A Requests for information relating to victims

- (1) A victim information request must be made in accordance with this Chapter. 30
- (2) In this Chapter, a “victim information request” means a request by an authorised person to another person to provide information which relates to a third person who the authorised person has reason to believe is or may be –
- (a) a victim, or 35
- (b) at risk of being a victim.
- (3) A victim information request may be made only if the authorised person –

- (a) has reason to believe that the person to whom the request is made holds the information sought,
 - (b) has reason to believe that the information sought is relevant to a reasonable line of enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, and
 - (c) is satisfied that the request is necessary and proportionate to achieve the purpose of preventing, detecting, investigating or prosecuting crime.
- (4) The reference in subsection (3)(c) to crime is a reference to—
 - (a) conduct which constitutes one or more criminal offences in England and Wales, or
 - (b) conduct which, if it took place in England and Wales, would constitute one or more criminal offences.
- (5) Subsection (6) applies if the authorised person thinks that, in making the request, there is a risk of obtaining information other than information necessary to achieve a purpose within subsection (3)(c).
- (6) The authorised person must, to be satisfied that the request is proportionate, be satisfied that—
 - (a) there are no other means of obtaining the information sought, or
 - (b) there are such other means, but it is not reasonably practicable to use them.
- (7) In making a victim information request or deciding whether to make such a request (including giving notice under section 44B or deciding whether to give such notice) an authorised person must have regard to the code of practice for the time being in force under section 44D.
- (8) In this section “victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.
- (9) This section is subject to sections 44B (notice requirements for victim information requests) and 44C (content of victim information requests).

44B Notice requirements for victim information requests

- (1) The authorised person must (subject to subsection (5)) give notice of a victim information request to the person to whom the information sought relates (“V”).
- (2) Notice under this section must be in writing—
 - (a) specifying or describing the information sought by the victim information request,
 - (b) specifying the reason why the information is sought, and
 - (c) specifying how the information will be dealt with once it has been obtained.

- (3) Notice under this section must be given—
- (a) on or before the date on which the victim information request is made, or
 - (b) if that is not reasonably practicable, as soon as is reasonably practicable after that date. 5
- (4) If V is a child or an adult without capacity, notice under this section is given to V by giving it to—
- (a) a parent or guardian of V or, if V is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation, or 10
 - (b) if no person described in paragraph (a) is available, any adult who the authorised person considers appropriate.
- (5) The authorised person need not give notice under this section, or specify a particular matter when giving notice, if the authorised person considers that doing so— 15
- (a) is not reasonably practicable in the circumstances,
 - (b) might interfere with the investigation or enquiry for which the information is sought or any other investigation or enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, or 20
 - (c) might risk causing serious harm to V or another person.
- (6) In this section—
- “adult” means a person aged 18 or over;
 - “adult without capacity” means an adult who, within the meaning of the Mental Capacity Act 2005, lacks capacity in relation to a notice under this section; 25
 - “child” means a person aged under 18;
 - “harm” includes physical, mental or emotional harm and economic loss;
 - “relevant authority”— 30
 - (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London in its capacity as a local authority;
 - (b) in relation to Wales, means a county council or a county borough council; 35
 - “voluntary organisation” means a body (other than a public authority) whose activities are not carried on for profit.

44C Content of victim information requests

- (1) A victim information request must be in writing— 40
- (a) specifying or describing the information sought,
 - (b) specifying the reason why the information is sought, and

- (c) specifying how the information will be dealt with once it has been obtained.
- (2) The authorised person need not specify the matters mentioned in subsection (1)(b) or (c) if the authorised person considers that doing so—
 - (a) is not reasonably practicable in the circumstances,
 - (b) might interfere with the investigation or enquiry for which the information is sought or any other investigation or enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, or
 - (c) might risk causing serious harm to the person to whom the information sought relates or another person.

44D Code of practice

- (1) The Secretary of State must prepare a code of practice for authorised persons about victim information requests and compliance with this Chapter.
- (2) The code may make different provision for different purposes or areas.
- (3) In preparing the code, the Secretary of State must consult—
 - (a) the Information Commissioner,
 - (b) the Commissioner for Victims and Witnesses,
 - (c) the Domestic Abuse Commissioner, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (4) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (5) The code is to be brought into force by regulations made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) After the code has come into force the Secretary of State may from time to time revise it.
- (8) A failure on the part of an authorised person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.
- (9) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.
- (10) References in subsections (2) to (9) to the code include a revised code, subject to subsection (11).

- (11) The duty to consult in subsection (3) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.

44E Authorised persons

- (1) In this Chapter, each of the following is an “authorised person” – 5
- (a) a constable of a police force in England and Wales;
 - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales;
 - (c) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police; 10
 - (d) a constable of the British Transport Police Force;
 - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003; 15
 - (f) a constable of the Ministry of Defence police;
 - (g) a National Crime Agency officer;
 - (h) a person designated by the Director General of the Independent Office for Police Conduct under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002; 20
 - (i) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in any of paragraphs (a) to (h).
- (2) The Secretary of State may by regulations made by statutory instrument amend subsection (1) – 25
- (a) so as to add a reference to a person;
 - (b) so as to remove a reference to a person;
 - (c) so as to modify a description of a person mentioned.
- (3) Regulations under subsection (2) may contain transitional, transitory or saving provision. 30
- (4) A statutory instrument containing regulations under subsection (2)(a) or (b) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 35
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

25 Information relating to victims: service police etc

After section 44E of the Police, Crime, Sentencing and Courts Act 2022 (inserted by section 24 of this Act), insert—

“44F Application of this Chapter to service police etc

- (1) This Chapter applies in relation to a person mentioned in subsection (2) as it applies in relation to an authorised person, with the modifications specified in subsections (3) and (4). 5
- (2) The persons are—
- (a) a member of the Royal Navy Police, the Royal Military Police or the Royal Air Force Police; 10
 - (b) a person designated by the Service Police Complaints Commissioner under regulation 36(2) of the Service Police (Complaints etc) Regulations 2023 (S.I. 2023/624);
 - (c) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in paragraph (a) or (b). 15
- (3) Section 44A applies as if for subsection (4) there were substituted—
- “**(4)** The reference in subsection (3)(c) to crime is a reference to conduct which constitutes one or more— 20
- (a) service offences within the meaning of the Armed Forces Act 2006, or
 - (b) SDA offences within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059).” 25
- (4) Section 44B applies as if, in subsection (6)—
- (a) for the definition of “adult without capacity” there were substituted—
- ““adult without capacity”—
- (a) in relation to England and Wales, means an adult who, within the meaning of the Mental Capacity Act 2005, lacks capacity in relation to a notice under this section; 30
 - (b) in relation to Scotland, means an adult (within the meaning of this Chapter) who is incapable, within the meaning of the Adults with Incapacity (Scotland) Act 2000, in relation to a notice under this section; 35
 - (c) in relation to Northern Ireland, means an adult who, within the meaning of the Mental Capacity Act (Northern Ireland) 2016, lacks capacity in relation to a notice under this section;” 40

- (b) for the definition of “relevant authority” there were substituted –

““relevant authority” –

- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London in its capacity as a local authority; 5
- (b) in relation to Wales, means a county council or a county borough council; 10
- (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;
- (d) in relation to Northern Ireland, means an authority within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));” 15
- (c) for the definition of “voluntary organisation” there were substituted –

““voluntary organisation” –

- (a) in relation to England and Wales, has the same meaning as in the Children Act 1989; 20
- (b) in relation to Scotland, has the same meaning as in Part 2 of the Children (Scotland) Act 1995;
- (c) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995.” 25

Data protection

26 Data protection

- (1) Nothing in this Part requires or authorises the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account any duty imposed or power conferred by this Part). 30
- (2) For these purposes –
- (a) references to this Part include regulations made under this Part, the victims’ code and guidance issued under this Part; 35
- (b) “data protection legislation” and “processing” have the same meanings as in the Data Protection Act 2018 (see section 3 of that Act).

Consequential provision

27 Consequential provision

- (1) Chapter 1 of Part 3 of the Domestic Violence, Crime and Victims Act 2004 (the victims’ code) is repealed (and the code of practice issued under section 32 of that Act ceases to be in operation). 5
- (2) The following amendments are made in consequence of subsection (1).
- (3) In the Parliamentary Commissioner Act 1967, in section 5(1B)(a), for “section 32 of the Domestic Violence, Crime and Victims Act 2004” substitute “section 2 of the Victims and Prisoners Act 2024”.
- (4) In the Domestic Violence, Crime and Victims Act 2004— 10
 - (a) in section 49 (functions of Commissioner for Victims and Witnesses), in subsection (1)(c), for “section 32” substitute “section 2 of the Victims and Prisoners Act 2024”;
 - (b) in section 54 (disclosure of information), in each of subsections (2)(a) and (3)(a), for “section 32” substitute “section 2 of the Victims and Prisoners Act 2024”. 15

PART 2

VICTIMS OF MAJOR INCIDENTS

Meaning of “major incident” etc

28 Meaning of “major incident” etc

- (1) This Part concerns advocates for victims of major incidents. 20
- (2) In this Part, “major incident” means an incident that—
 - (a) occurs in England or Wales after this section comes into force,
 - (b) causes the death of, or serious harm to, a significant number of individuals, and 25
 - (c) is declared in writing by the Secretary of State to be a major incident for the purposes of this Part.
- (3) For the purposes of this Part, “harm” includes physical, mental or emotional harm.
- (4) In this Part, “victims”, in relation to a major incident, means— 30
 - (a) individuals who have suffered harm as a direct result of the incident (whether or not that harm is serious harm), and
 - (b) close family members or close friends of individuals who have died or suffered serious harm as a direct result of the incident.
- (5) In this Part, “advocate” means— 35
 - (a) the standing advocate appointed under section 29(1);

- (b) an individual appointed as an advocate in respect of a major incident under section 30(1).
- (6) But a reference in this Part to an advocate appointed in respect of a major incident includes the standing advocate only if the standing advocate has been appointed in respect of that incident under section 30(1). 5

Appointment of advocates

29 Appointment of standing advocate

- (1) The Secretary of State must appoint an individual as the standing advocate for victims of major incidents (in this Part, “the standing advocate”).
- (2) The functions of the standing advocate are – 10
- (a) to advise the Secretary of State as to the interests of victims of major incidents, and their treatment by public authorities in response to major incidents;
 - (b) to advise other advocates as to the exercise of the functions of those advocates; 15
 - (c) to make reports in accordance with section 35.
- (3) The standing advocate may take such steps as the standing advocate considers are –
- (a) appropriate to facilitate the exercise of, or
 - (b) incidental or conducive to, 20
- the functions of the standing advocate or another advocate.
- (4) An individual may be appointed as the standing advocate only if the Secretary of State considers that the individual is qualified, taking into account –
- (a) the individual’s academic, professional or other qualifications, experience or skills; 25
 - (b) any other matter the Secretary of State considers relevant.
- (5) For the purposes of subsection (2)(a), “public authority” includes –
- (a) a court, tribunal, coroner, or inquiry panel within the meaning of section 3 of the Inquiries Act 2005, and
 - (b) any other person certain of whose functions are functions of a public nature, 30
- but does not include the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

30 Appointment of advocates in respect of major incidents

- (1) The Secretary of State may appoint an individual to act as an advocate for victims of a major incident. 35
- (2) An individual may be appointed as an advocate in respect of a major incident only if –
- (a) the individual is the standing advocate, or

-
- (b) the Secretary of State considers that the individual –
 - (i) is qualified, and
 - (ii) is appropriate to appoint in respect of the incident.
 - (3) An individual may be qualified by virtue of –
 - (a) their academic, professional or other qualifications, experience or skills; 5
 - (b) their relationship with a geographical or other community;
 - (c) any other matter the Secretary of State considers relevant.
 - (4) In determining whether an individual is appropriate to appoint as an advocate in respect of a major incident, the Secretary of State may have regard to –
 - (a) the geographical area in which the incident occurs; 10
 - (b) any community affected by the incident;
 - (c) the relevance of the individual’s qualifications, experience or skills to the incident and the matters in paragraphs (a) and (b);
 - (d) any other matter the Secretary of State considers relevant.
- 31 Terms of appointment** 15
- (1) Subject to the following provisions of this section, an individual is to be appointed as an advocate on terms agreed between the individual and the Secretary of State.
 - (2) The appointment may be terminated –
 - (a) by the Secretary of State on such grounds as the Secretary of State considers appropriate; 20
 - (b) by the advocate giving notice of their resignation to the Secretary of State;
 - (c) otherwise in accordance with the terms of the advocate’s appointment.
 - (3) The Secretary of State may pay to or in respect of an advocate –
 - (a) such remuneration as the Secretary of State considers appropriate;
 - (b) reasonable costs incurred by the advocate in connection with the exercise of their functions, including those incurred in connection with proceedings relating to the exercise (or purported exercise) of those functions; 30
 - (c) such other sums by way of allowances or gratuities as the Secretary of State considers appropriate.
 - (4) The Secretary of State may make provision for an advocate to have secretarial or other support in connection with the exercise of their functions.
 - (5) An advocate is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown. 35
- 32 Appointment of more than one advocate in respect of same major incident**
- (1) This section applies where the Secretary of State appoints more than one advocate in respect of the same major incident.

- (2) The Secretary of State must appoint one of the advocates as the lead advocate in respect of that incident.
- (3) An advocate appointed in respect of the incident must have regard to any directions given by the lead advocate as to how they are to exercise their functions in respect of the incident.

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Functions and powers of advocates in respect of major incidents

33 Functions of advocates appointed in respect of major incidents

- (1) This section applies where an advocate is appointed in respect of a major incident.
- (2) Where more than one advocate is appointed in respect of the incident, references in this section to “the advocate” are to each advocate individually and any number of them (including all of them) acting jointly. 10
- (3) Subject to the terms of their appointment, the advocate may provide such support to victims of the incident as the advocate considers appropriate in relation to – 15
 - (a) the aftermath of the incident;
 - (b) an investigation by a public authority into the incident;
 - (c) an inquest under the Coroners and Justice Act 2009 into a death the incident may have caused or contributed to;
 - (d) an inquiry into the incident under the Inquiries Act 2005. 20
- (4) The support provided under subsection (3) may include, for example –
 - (a) helping victims understand the actions of public authorities in relation to the incident, and how the views of victims may be taken into account;
 - (b) informing victims about other sources of support and advice, and services, that may be available in connection with the incident; 25
 - (c) communicating with public authorities on behalf of victims in relation to the incident;
 - (d) assisting victims to access documents or other information in relation to an investigation, inquest or inquiry referred to in subsection (3) (to the extent that victims are, or a particular victim is, entitled to such access). 30
- (5) The advocate may provide support to victims by providing support to such persons as the advocate considers represent one or more victims, including where those persons are not victims themselves. 35
- (6) Where the advocate provides support to victims under the age of 18, the advocate may do so only by providing support to such persons as the advocate considers represent those victims.
- (7) A person may not represent victims for the purposes of this Part if the person – 40

- (a) is an individual under the age of 18, or
 - (b) would, in representing victims, carry on a legal activity.
- (8) The advocate may not, in supporting victims –
 - (a) carry on a legal activity;
 - (b) provide financial support to any person; 5
 - (c) provide health care to any person.
- (9) Nothing in this Part confers a right on any person to require the advocate to provide support, or support of a particular type, to that person or any other person.
- (10) In this section – 10
 - “health care” includes all forms of health care, whether relating to physical or mental health;
 - “legal activity” has the meaning given by section 12(3) of the Legal Services Act 2007;
 - “public authority” has the same meaning as in section 29(2)(a) (see section 29(5)). 15

34 Role of advocates under Part 1 of the Coroners and Justice Act 2009

In section 47(2) of the Coroners and Justice Act 2009 (interested persons in relation to a deceased person or investigation or inquest into a death), after paragraph (ka) insert – 20

- “(kb) where an advocate has been appointed under section 30(1) of the Victims and Prisoners Act 2024 in respect of an incident which may have caused or contributed to the death of the deceased –
 - (i) each advocate that has been appointed under that section in respect of that incident, and 25
 - (ii) the standing advocate appointed under section 29 of that Act;”.

Functions and powers of advocates: general

35 Reports to the Secretary of State 30

- (1) The standing advocate must, in respect of each calendar year, report to the Secretary of State as to –
 - (a) the exercise of the standing advocate’s functions in that year;
 - (b) such matters as the Secretary of State may require in writing;
 - (c) such other matters as the standing advocate considers relevant to their functions or the functions of another advocate. 35
- (2) A report under subsection (1) must be made by 1 July in the calendar year following the year in respect of which the report is made.

-
- (3) If the Secretary of State gives notice under subsection (4) to an advocate, the advocate must report to the Secretary of State –
- (a) if specified in the notice, the advocate’s opinions as to the treatment of victims in the course of an investigation, inquest or inquiry referred to in section 33(3); 5
 - (b) such other matters relating to the advocate’s exercise of their functions as the Secretary of State specifies in the notice.
- (4) A notice under this subsection must specify –
- (a) that the Secretary of State requires a report under subsection (3);
 - (b) the matters the Secretary of State requires the report to address. 10
- (5) The notice may require the advocate to report within such reasonable period as may be specified in the notice (or such other period as may be agreed).
- (6) A report made under subsection (3) may include any matters the advocate considers relevant to –
- (a) a major incident in respect of which they are appointed, or 15
 - (b) in the case of the standing advocate, any major incident, whether or not the matters have been specified in a notice under subsection (4).
- (7) An advocate may, at their discretion and at any time, report to the Secretary of State such matters as the advocate considers relevant to – 20
- (a) a major incident in respect of which they are appointed, or
 - (b) in the case of the standing advocate, any major incident.
- (8) If more than one advocate has been appointed in respect of the same major incident –
- (a) the Secretary of State may give notice under subsection (4) in relation to the incident only to the lead advocate; 25
 - (b) only the lead advocate may make a report under subsection (7) in relation to the incident.

36 Publication of reports

- (1) The Secretary of State must publish a copy of a report made under section 35 if – 30
- (a) it is made by the standing advocate under section 35(1) (annual reports),
 - (b) it is made by an advocate under section 35(3) (reports required by the Secretary of State), or 35
 - (c) it is made by an advocate under section 35(7) (reports at discretion of advocate), and the advocate making the report requests in writing that the report is published.
- (2) The copy may be published in such manner as the Secretary of State thinks fit. 40

- (3) But material may be omitted from the copy if the Secretary of State considers that the publication of that material would –
 - (a) risk death or injury to any person,
 - (b) risk damage to national security or international relations,
 - (c) risk damage to the economic interests of the United Kingdom or of any part of the United Kingdom, 5
 - (d) risk damage caused by disclosure of commercially sensitive information,
 - (e) breach any conditions as to confidentiality subject to which the advocate making the report acquired the material, or 10
 - (f) contravene the data protection legislation (within the meaning given by section 3 of the Data Protection Act 2018).
- (4) The Secretary of State must lay a copy of a report as published under this section before Parliament.

37 Information sharing and data protection 15

- (1) An advocate may, to the extent the advocate considers appropriate, share information received in the exercise of their functions with –
 - (a) the standing advocate;
 - (b) any other advocate appointed in respect of the same major incident;
 - (c) the Secretary of State; 20
 - (d) any other person exercising functions of a public nature;
 - (e) a victim of a major incident in respect of which the advocate is appointed.
- (2) A person exercising functions of a public nature may share such information as the person considers appropriate with an advocate for the purposes of the advocate exercising their functions. 25
- (3) An advocate may use information received in the exercise of their functions only for the purpose of exercising their functions.
- (4) The information referred to in this section may comprise or include personal data. 30
- (5) This section does not limit the circumstances in which information may be disclosed apart from this Part.
- (6) Except as provided by subsection (7), a disclosure of information under this Part does not breach –
 - (a) any obligation of confidence owed by the person disclosing the information, or 35
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) Nothing in this Part requires or authorises the processing of information if the processing would contravene the data protection legislation (but, in 40

determining whether it would do so, the powers conferred by this Part are to be taken into account).

- (8) In this section, “personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.

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Guidance for advocates

38 Guidance for advocates

- (1) The Secretary of State may issue guidance as to the matters to which an advocate appointed in respect of a major incident must have regard in exercising their functions.
- (2) Guidance under this section—
- (a) must not be directed at any specific advocate or relate to a specific major incident;
 - (b) may be withdrawn or revised at any time.
- (3) An advocate appointed in respect of a major incident must, to the extent relevant to the terms of their appointment and to the incident in respect of which they are appointed, have regard to the matters stated in guidance under this section.

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Consequential amendments

39 Consequential amendments

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- (1) In paragraph 3 of Schedule 1 to the Public Records Act 1958 (establishments and organisations whose records are public records), in Part 2 of the Table, at the appropriate place insert—

“An advocate for victims of major incidents appointed under Part 2 of the Victims and Prisoners Act 2024.”

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- (2) In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert—

“An advocate for victims of major incidents appointed under Part 2 of the Victims and Prisoners Act 2024.”

- (3) In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying from membership of the House of Commons), in Part 3, at the appropriate place insert—

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“An advocate for victims of major incidents appointed under Part 2 of the Victims and Prisoners Act 2024.”

- (4) In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6, at the appropriate place insert –

“An advocate for victims of major incidents appointed under Part 2 of the Victims and Prisoners Act 2024.”

- (5) In Schedule 19 to the Equality Act 2010 (public authorities), in Part 1, after “A government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.” insert –

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“Advocates for victims of major incidents

An advocate for victims of major incidents appointed under Part 2 of the Victims and Prisoners Act 2024.”

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PART 3

INFECTED BLOOD COMPENSATION BODY

40 Compensation for victims of the infected blood scandal

- (1) In accordance with section 2(), the Secretary of State must, within three months of the passing of this Act, establish a body to administer the compensation scheme for victims of the infected blood scandal.

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- (2) The body created under this section must be chaired by a judge of High Court or Court of Session with status as sole decision maker.

- (3) In exercising its functions, the body must –

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(a) have regard to the need of applicants for speed of provision, simplicity or process, accessibility, involvement, proactive support, fairness and efficiency;

(b) involve potentially eligible persons and their representatives amongst those in a small advisory board, and in the review and improvement of the scheme;

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(c) permit the hearing of applicants in person; and

(d) have an independent appeal body which will reconsider decisions of the scheme referred to it.

- (4) The Secretary of State may by regulations make further provision about the body established under this section.

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- (5) For the purposes of this Act, a victim of the infected blood scandal means any infected or affected person whom the Second Interim Report of the Infected Blood Inquiry, as laid before Parliament on 19 April 2023, recommends should be admitted to a compensation scheme.

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- (6) This section comes into force on the day on which this Act is passed.

PART 4

PRISONERS

*Public protection decisions***41 Public protection decisions: life prisoners**

- | | | |
|-----|---|----|
| (1) | Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows. | 5 |
| (2) | After section 28 insert— | |
| | “28ZA Public protection decisions | |
| (1) | This section applies for the purposes of any public protection decision made by a decision-maker about a life prisoner under a relevant provision of this Chapter. | 10 |
| (2) | A “public protection decision”, in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined. | 15 |
| (3) | The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm. | |
| (4) | In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in Schedule 18B to the Criminal Justice Act 2003. | 20 |
| (5) | When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker— | 25 |
| | (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed; | |
| | (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted; | |
| | (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence); | 30 |
| | (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B to the Criminal Justice Act 2003) if no longer confined; | |
| | (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions; | 35 |
| | (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence; | 40 |

-
- (g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f)).
- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner. 5
- (7) For the purposes of subsection (6), a “victim” of a prisoner is a person who meets the definition of victim in section 1 of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed. 10
- (8) In subsections (5) and (7), “relevant sentence” means the sentence in respect of which the public protection decision is made.
- (9) This section does not limit the matters which the decision-maker must or may take into account when making a public protection decision.
- (10) The “relevant provisions” of this Chapter under which a public protection decision may be made, and the purposes for which the decision is made, are – 15
- (a) section 28(6)(b), for the purposes of section 28(5);
 - (b) section 32(5A), for the purposes of section 32(5);
 - (c) subsection (1) of section 32ZAC, for the purposes of that subsection. 20
- (11) The “decision-maker”, in relation to a public protection decision made under a relevant provision of this Chapter, is – 25
- (a) if the decision is made under section 28(6)(b) or 32(5A), the Parole Board;
 - (b) if the decision is made under section 32ZAC(1), the Upper Tribunal or High Court (as the case may be).
- (12) Subsection (2) has effect in relation to a decision made by the Parole Board under section 32(5A) (recall of life prisoners while on licence) as if for the words “be confined” there were substituted “remain in prison”. 30
- (3) In section 28A (murder or manslaughter: prisoner’s non-disclosure of information) –
- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”; 35
 - (b) in subsection (5), for the definition of “public protection decision” substitute –
““public protection decision” has the meaning given by section 28ZA(2);”.
- (4) In section 28B (indecent images: prisoner’s non-disclosure of information) – 40
- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”;

- (b) in subsection (7), for the definition of “public protection decision” substitute –

““public protection decision”, in relation to a prisoner, has the meaning given by section 28ZA(2);”.

42 Public protection decisions: fixed-term prisoners

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- (1) The Criminal Justice Act 2003 is amended as follows.
(2) After section 237 insert –

“237A Public protection decisions

- (1) This section applies for the purposes of any public protection decision made by a decision-maker about a prisoner under a relevant provision of this Chapter. 10
- (2) A “public protection decision”, in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is not necessary, or no longer necessary, for the protection of the public that the prisoner should be confined. 15
- (3) The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (4) In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in Schedule 18B. 20
- (5) When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker – 25
- (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;
- (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;
- (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence); 30
- (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B) if no longer confined;
- (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions; 35
- (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;
- (g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f)). 40

- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.
- (7) For the purposes of subsection (6), a “victim” of a prisoner is a person who meets the definition of victim in section 1 of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed. 5
- (8) In subsections (5) and (7), “relevant sentence” means the sentence in respect of which the public protection decision is made.
- (9) This section does not limit the matters which the decision-maker must or may take into account when making a public protection decision. 10
- (10) Section 237B lists the “relevant provisions” of this Chapter under which a public protection decision may be made, and the purposes for which the decision is made.
- (11) The “decision-maker”, in relation to a public protection decision made under a relevant provision of this Chapter, is— 15
- (a) if the decision is made under section 256AZBC(1), the Upper Tribunal or High Court (as the case may be);
 - (b) in any other case, the Board.
- (12) Subsection (2) has effect in relation to a decision made by the Board— 20
- (a) under section 255B(4A) (automatic release) as if for the words “be confined” there were substituted “remain in prison until the end of the period mentioned in section 255B(1)(b)”;
 - (b) under section 255C(4A) (prisoners not suitable for automatic release) or 256A(4) (further review) as if for the words “be confined” there were substituted “remain in prison”. 25
- (13) The Secretary of State may by order amend Schedule 18B so as to—
- (a) specify a further offence, or
 - (b) omit an offence for the time being specified.

237B Relevant provisions of this Chapter and corresponding purposes 30

In the following table—

- (a) the first column lists each provision of this Chapter which is a “relevant provision” under which a public protection decision may be made;
- (b) the second column lists, in relation to each relevant provision, the purposes for which the decision is made. 35

Relevant provision	Purposes
section 244ZC(4)	section 244ZC(3)
section 244ZC(5)(b)	section 244ZC(3)

Relevant provision	Purposes	
section 244A(4)(b)	section 244A(3)	
section 246A(6)(b)	section 246A(5)	
section 247A(5)(b)	section 247A(4)	
section 255B(4A)	section 255B(4A)	5
section 255C(4A)	section 255C(4A)	
section 256A(4)	section 256A(4)	
section 256AZBC(1)	section 256AZBC(1)	
paragraph 6(2) of Schedule 20B	paragraph 6(1) of Schedule 20B	10
paragraph 15(4) of Schedule 20B	paragraph 15(3) of Schedule 20B	
paragraph 25(3) of Schedule 20B	paragraph 25(2) of Schedule 20B	
paragraph 28(3) of Schedule 20B	paragraph 28(2) of Schedule 20B”.	15

- (3) In section 246B (manslaughter: prisoner’s non-disclosure of information) –
- (a) in subsection (1), in the words before paragraph (a), after “a prisoner” insert “under section 246A(6)(b), for the purposes of section 246A(5),”;
 - (b) in subsection (5), for the definition of “public protection decision” substitute –

““public protection decision” has the meaning given by section 237A(2);”.
- (4) In section 246C (indecent images: prisoner’s non-disclosure of information) –
- (a) in subsection (1), in the words before paragraph (a), after “a prisoner” insert “under section 246A(6)(b), for the purposes of section 246A(5),”;
 - (b) in subsection (6), for the definition of “public protection decision” substitute –

““public protection decision”, in relation to a prisoner, has the meaning given by section 237A(2);”.
- (5) In section 255B (automatic release), after subsection (3) insert –
- “(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, if P were released before the end of the period mentioned in subsection (1)(b), P would commit a further offence, the commission of which would cause serious harm (and section 237A(4) applies for the purposes of that assessment).”

- (6) In section 255C (prisoners not suitable for automatic release), after subsection (3) insert –
- “(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, if P were released, P would commit a further offence, the commission of which would cause serious harm (and section 237A(4) applies for the purposes of that assessment).” 5
- (7) In section 256AZB (power to change test for release following recall), after subsection (2) insert –
- “(3) Provision made in an order under subsection (1)(c) by virtue of section 330(4) (consequential etc provision) may in particular amend, or modify the application of, section 256AZBC(1) (powers on referral of release decisions).” 10
- (8) In section 330 (orders and rules), in subsection (5)(a), before “section 246(5)” insert –
- “section 237A(13),” 15
- (9) Schedule 18B (offences relevant to public protection decisions) is inserted by the Schedule to this Act.
- (10) Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) is amended in accordance with subsections (11) and (12). 20
- (11) In paragraph 38 (manslaughter: prisoner’s non disclosure of information) –
- (a) in sub-paragraph (1), in the words before paragraph (a), after “making a” insert “relevant”;
- (b) in sub-paragraph (2), in the words before paragraph (a), after “making the” insert “relevant”;
- (c) in sub-paragraph (3), after “making a” insert “relevant”;
- (d) in sub-paragraph (4), for the definition of “public protection decision” substitute – 25
- ““public protection decision” has the meaning given by section 237A(2); 30
- “relevant public protection decision” means the public protection decision made –
- (a) under paragraph 6(2) for the purposes of paragraph 6(1),
- (b) under paragraph 15(4) for the purposes of paragraph 15(3), 35
- (c) under paragraph 25(3) for the purposes of paragraph 25(2), or
- (d) under paragraph 28(3) for the purposes of paragraph 28(2);” 40
- (12) In paragraph 39 (indecent images: prisoner’s non disclosure of information) –

- (a) in sub-paragraph (1), in the words before paragraph (a), after “making a” insert “relevant”;
- (b) in sub-paragraph (2), in the words before paragraph (a), after “making the” insert “relevant”;
- (c) in sub-paragraph (3), after “making a” insert “relevant”;
- (d) in sub-paragraph (5)–
 - (i) for the definition of “public protection decision” substitute–
 - ““public protection decision”, in relation to a prisoner, has the meaning given by section 237A(2);”;
 - (ii) after the definition of “relevant indecent image” insert–
 - ““relevant public protection decision”, in relation to a prisoner, means the public protection decision made–
 - (a) under paragraph 6(2) for the purposes of paragraph 6(1),
 - (b) under paragraph 15(4) for the purposes of paragraph 15(3),
 - (c) under paragraph 25(3) for the purposes of paragraph 25(2), or
 - (d) under paragraph 28(3) for the purposes of paragraph 28(2).”

43 Amendment of power to change test for release on licence of certain prisoners

- (1) Section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) is amended as follows.
- (2) In subsection (3)–
 - (a) after paragraph (a) insert–
 - “(aza) amend section 28ZA of the Crime (Sentences) Act 1997 (public protection decisions), as that section applies for the purposes of section 28 or 32 of that Act;”;
 - (b) after paragraph (aa) insert–
 - “(aaza) amend section 237A of the Criminal Justice Act 2003 (public protection decisions), as that section applies for the purposes of a provision of that Act mentioned in any of paragraphs (aaa) to (c) below;”.
- (3) After subsection (3) insert–
 - “(3A) Provision made in an order under this section by virtue of subsection (3)(f) may in particular amend, or modify the application of, the following provisions–
 - (a) section 32ZAC(1) of the Crime (Sentences) Act 1997 (powers on referral of release decisions);
 - (b) section 256AZBC(1) of the Criminal Justice Act 2003 (powers on referral of release decisions).”

Referral of release decisions

44 Referral of release decisions: life prisoners

- (1) After section 32ZA of the Crime (Sentences) Act 1997 insert—

“Referral of release decisions to relevant court

32ZAA Referral of release decisions to relevant court

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- (1) This section applies where—

- (a) a prisoner is serving a life sentence imposed in respect of an offence specified or described in section 32ZAB, and
(b) the Parole Board directs the prisoner’s release under section 28(5) or 32(5).

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- (2) The Secretary of State may direct the Parole Board to refer the prisoner’s case to the relevant court if the Secretary of State considers that—

- (a) the release of the prisoner would be likely to undermine public confidence in the parole system, and
(b) if the case were referred, the relevant court might not be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined (see section 32ZAC(1)).

15

- (3) “Relevant court” means—

- (a) if the Secretary of State certifies that sensitive material may be relevant to the prisoner’s case, the High Court;
(b) in any other case, the Upper Tribunal.

20

- (4) For the purposes of subsection (3), “sensitive material” means material the disclosure of which would, in the opinion of the Secretary of State, be damaging to the interests of national security.

25

- (5) Where the Secretary of State gives a direction under subsection (2), the Secretary of State—

- (a) must notify the prisoner of the direction and the reasons for giving it, and
(b) pending determination of the prisoner’s case under section 32ZAC(1), is not required to give effect to the Parole Board’s direction to release the prisoner.

30

- (6) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force.

35

- (7) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Parole Board before this section comes into force.

32ZAB Specified offences

- (1) The offences specified or described in this section (for the purposes of section 32ZAA) are—
- (a) murder;
 - (b) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, where a child has died as a result of the prisoner’s unlawful act; 5
 - (c) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences); 10
 - (d) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A) of the Criminal Justice Act 2003;
 - (e) an offence under section 1 of the Sexual Offences Act 2003 (rape); 15
 - (f) an offence under section 5 of that Act (rape of a child under 13);
 - (g) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape);
 - (h) an offence under section 18 of that Act (rape of a young child); 20
 - (i) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (rape);
 - (j) an offence under Article 12 of that Order (rape of a child under 13);
 - (k) an offence that— 25
 - (i) is abolished, and
 - (ii) would have constituted an offence referred to in paragraphs (a) to (j) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the purposes of section 32ZAA as if it were a sentence in respect of the corresponding offence. 30
- (3) In subsection (2)—
- (a) “service offence” means an offence under— 35
 - (i) section 42 of the Armed Forces Act 2006,
 - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
 - (iii) section 42 of the Naval Discipline Act 1957;
 - (b) “corresponding offence” means— 40
 - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;

- (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
- (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section. 5

32ZAC Powers of the relevant court

- (1) On a referral of a prisoner’s case under section 32ZAA, the relevant court—
 - (a) must, if satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, make an order requiring the Secretary of State to give effect to the Parole Board’s direction to release the prisoner on licence; 10
 - (b) otherwise, must make an order quashing the Parole Board’s direction to release the prisoner on licence. 15
- (2) An order under subsection (1)(a) may include directions as to the conditions to be included in the prisoner’s licence on release.
- (3) An order under subsection (1)(b) has effect as if the prisoner’s case were disposed of by the Parole Board on the date on which the order was made. 20
- (4) In this section “relevant court” has the meaning given by section 32ZAA(3).”
- (2) In section 32ZB of the Crime (Sentences) Act 1997 (release at direction of Parole Board: timing), in subsection (1), at the end insert “(including where the Upper Tribunal or High Court makes an order under section 32ZAC(1)(a) requiring the Secretary of State to give effect to such a direction)”. 25

45 Referral of release decisions: fixed-term prisoners

- (1) After section 256AZB of the Criminal Justice Act 2003 insert—
“Referral of release decisions to relevant court

256AZBA Referral of release decisions to relevant court 30

- (1) This section applies where—
 - (a) a prisoner is serving a fixed-term sentence imposed in respect of an offence specified or described in section 256AZBB, and
 - (b) the Board directs the prisoner’s release under a provision mentioned in the second column of the table in section 237B. 35
- (2) The Secretary of State may direct the Board to refer the prisoner’s case to the relevant court if the Secretary of State considers that—
 - (a) the release of the prisoner would be likely to undermine public confidence in the parole system, and

- (b) if the case were referred, the relevant court might not be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined (see section 256AZBC(1)).
- (3) “Relevant court” means – 5
- (a) if the Secretary of State certifies that sensitive material may be relevant to the prisoner’s case, the High Court;
- (b) in any other case, the Upper Tribunal.
- (4) For the purposes of subsection (3), “sensitive material” means material the disclosure of which would, in the opinion of the Secretary of State, be damaging to the interests of national security. 10
- (5) Where the Secretary of State gives a direction under subsection (2), the Secretary of State –
- (a) must notify the prisoner of the direction and the reasons for giving it, and 15
- (b) pending determination of the prisoner’s case under section 256AZBC(1), is not required to give effect to the Parole Board’s direction to release the prisoner.
- (6) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force. 20
- (7) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Board before this section comes into force.

256AZBB Specified offences

- (1) The offences specified or described in this section (for the purposes of section 256AZBA) are – 25
- (a) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, where a child has died as a result of the prisoner’s unlawful act;
- (b) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences); 30
- (c) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A); 35
- (d) an offence under section 1 of the Sexual Offences Act 2003 (rape);
- (e) an offence under section 5 of that Act (rape of a child under 13);
- (f) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape); 40
- (g) an offence under section 18 of that Act (rape of a young child);

- (h) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (rape);
 - (i) an offence under Article 12 of that Order (rape of a child under 13);
 - (j) an offence that –
 - (i) is abolished, and
 - (ii) would have constituted an offence referred to in paragraphs (a) to (i) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the purposes of section 256AZBA as if it were a sentence in respect of the corresponding offence. 10
- (3) In subsection (2) –
- (a) “service offence” means an offence under –
 - (i) section 42 of the Armed Forces Act 2006, 15
 - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
 - (iii) section 42 of the Naval Discipline Act 1957;
 - (b) “corresponding offence” means –
 - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section; 20
 - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act; 25
 - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

256AZBC Powers of the relevant court 30

- (1) On a referral of a prisoner’s case under section 256AZBA, the relevant court –
- (a) must, if satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, make an order requiring the Secretary of State to give effect to the Parole Board’s direction to release the prisoner on licence; 35
 - (b) otherwise, must make an order quashing the direction.
- (2) An order under subsection (1)(a) may include directions as to the conditions to be included in the prisoner’s licence on release.
- (3) An order under subsection (1)(b) has effect as if the prisoner’s case were disposed of by the Parole Board on the date on which the order was made. 40

- (4) In this section “relevant court” has the meaning given by section 256AZBA(3).
- (5) If the decision referred to the relevant court is a decision under section 255B(4A) (automatic release), subsection (1)(a) has effect as if for the words “be confined” there were substituted “remain in prison until the end of the period mentioned in section 255B(1)(b)”.” 5
- (2) In section 256AZC of the Criminal Justice Act 2003 (release at direction of Parole Board: timing), in subsection (1), at the end insert “(including where the Upper Tribunal or High Court makes an order under section 256AZBC(1)(a) requiring the Secretary of State to give effect to such a direction)”.” 10

Licence conditions on release following referral

46 Licence conditions of life prisoners released following referral

- (1) Section 31 of the Crime (Sentences) Act 1997 (duration and conditions of licences) is amended as follows. 15
- (2) In subsection (3)–
- (a) omit the “or” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert “, or
 - (c) in accordance with subsection (3A).”
- (3) After subsection (3) insert – 20
- “(3A) Where the Upper Tribunal or High Court gives a direction under section 32ZAC(2) as to the conditions to be included in a life prisoner’s licence on release, the Secretary of State–
- (a) must include the conditions in the prisoner’s licence on release;
 - (b) may subsequently insert a condition in such a licence or vary or cancel a condition of such a licence.” 25

47 Licence conditions of fixed-term prisoners released following referral

- (1) Section 250 of the Criminal Justice Act 2003 (licence conditions) is amended as follows.
- (2) In subsection (5A), at the beginning insert “Subject to subsection (5D),”.” 30
- (3) After subsection (5C) insert –
- “(5D) Where the Upper Tribunal or High Court gives a direction under section 256AZBC(2) as to the conditions to be included in a prisoner’s licence on release, the Secretary of State–
- (a) must include the conditions in the prisoner’s licence on release;
 - (b) may subsequently insert a condition in such a licence or vary or cancel a condition of such a licence.” 35

Imprisonment or detention for public protection: termination of licences

48 Imprisonment or detention for public protection: termination of licences

- (1) The Crime (Sentences) Act 1997 is amended as follows.
- (2) In section 31A (imprisonment or detention for public protection: termination of licences) – 5
- (a) in subsection (2), in the words after paragraph (b), for “shall” substitute “must”;
- (b) in subsection (3) –
- (i) at the end of paragraph (a) insert “and”;
- (ii) omit paragraph (c) and the “and” before it; 10
- (c) for subsection (4) substitute –
- “(4) Where a reference is made under subsection (3) above –
- (a) the Parole Board must direct the Secretary of State to make an order that the licence is to cease to have effect, unless paragraph (b) applies; 15
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public that the licence should remain in force, it must dismiss the reference.”;
- (d) omit subsections (4A) to (4C) and insert –
- “(4D) The reference under subsection (3) must not be made, and a reference under that subsection must not be determined by the Parole Board under subsection (4), if at the time the reference or determination would otherwise be made the prisoner is in prison having been recalled under section 32. 20
- (4E) Subsection (4F) applies where – 25
- (a) but for subsection (4D), a reference of the prisoner’s case would have been made under subsection (3) or determined by the Parole Board under subsection (4),
- (b) the Secretary of State has referred the prisoner’s case to the Parole Board under section 28 or 32, and 30
- (c) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (4F) Where this subsection applies –
- (a) the Parole Board must direct the Secretary of State to release the prisoner unconditionally, unless paragraph (b) applies; 35
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventative sentence or sentences, it must not give a direction under paragraph (a). 40

-
- (4G) Where the Parole Board gives a direction under subsection (4F)(a)–
- (a) section 28(5) has effect in relation to the prisoner as if for “release him on licence” there were substituted “release the prisoner unconditionally”; 5
 - (b) section 32(5) has effect in relation to the prisoner as if for “give effect to the direction” there were substituted “release the prisoner unconditionally”.
- (4H) Where–
- (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32), 10
 - (b) the qualifying period has expired, and
 - (c) the prisoner’s licence has remained in force for a continuous period of two years– 15
 - (i) beginning not before the qualifying period expired, and
 - (ii) ending after the coming into force of section 48(2)(d) of the Victims and Prisoners Act 2024, the Secretary of State must order that the licence is to cease to have effect.”; 20
 - (e) in subsection (5), in the definition of “the qualifying period”, for “ten” substitute “three”;
 - (f) after subsection (5) insert–
 - “(6) The Secretary of State may by regulations made by statutory instrument amend subsection (5) to change the length of the qualifying period for the time being specified. 25
 - (7) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.” 30
- (3) In section 32 (recall of life prisoners while on licence), after subsection (1) insert–
- “(1A) Subsection (1) does not apply in relation to a prisoner in respect of whom the Secretary of State is required to make an order under section 31A(4) or (4H) that the licence is to cease to have effect.” 35

Application of Convention rights

49 Section 3 of the Human Rights Act 1998: life prisoners

In Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences), after section 34 insert –

“34A Disapplication of section 3 of the Human Rights Act 1998 to Chapter 2 5

- (1) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this Chapter or any subordinate legislation made under it. 10
- (2) In this section “subordinate legislation” has the same meaning as in the Human Rights Act 1998 (see section 21 of that Act).”

50 Section 3 of the Human Rights Act 1998: fixed-term prisoners

In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall of fixed-term prisoners), after section 268 insert – 15

“268A Disapplication of section 3 of the Human Rights Act 1998 to Chapter 6

- (1) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this Chapter or any subordinate legislation made under it. 20
- (2) In this section “subordinate legislation” has the same meaning as in the Human Rights Act 1998 (see section 21 of that Act).”

51 Section 3 of the Human Rights Act 1998: power to change release test

In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners), after subsection (6) insert – 25

- “(7) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this section or any order made under it.” 30

52 Application of certain Convention rights in prisoner release cases

- (1) Subsection (3) applies where –
 - (a) in any proceedings, a court is determining a question which has arisen as to whether a relevant Convention right of a person has been breached, and 35

- (b) the alleged breach arose in connection with a decision, under any prisoner release legislation, about whether the person should be released from custody.
- (2) The “prisoner release legislation” is –
- (a) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences), including subordinate legislation made under that Chapter; 5
- (b) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall of fixed-term prisoners), including subordinate legislation made under that Chapter.
- (3) The court must give the greatest possible weight to the importance of reducing the risk to the public from persons who have committed offences in respect of which custodial sentences have been imposed. 10
- (4) In this section –
- “court” includes a tribunal;
- “custodial sentence” means a sentence specified in regulations made by the Secretary of State; 15
- “relevant Convention right” means any Convention right other than the Convention rights set out in the following Articles of the Convention –
- (a) Article 2 (right to life);
- (b) Article 3 (prohibition of torture); 20
- (c) Article 4(1) (prohibition of slavery);
- (d) Article 7 (no punishment without law).
- (5) In this section, the following terms have the same meanings as in the Human Rights Act 1998 –
- “the Convention”; 25
- “Convention right”;
- “subordinate legislation”.

The Parole Board

53 Parole Board rules

- In section 239(5) of the Criminal Justice Act 2003 (power to make rules for Parole Board proceedings), for the words after “including” to the end substitute “rules – 30
- (a) authorising cases to be dealt with by a prescribed number of its members;
- (b) requiring cases to be dealt with by, or by members including, members of a prescribed description; 35
- (c) requiring cases to be dealt with at prescribed times.”

54 Parole Board membership

- (1) Schedule 19 to the Criminal Justice Act 2003 (the Parole Board: supplementary provisions) is amended as follows.
- (2) Paragraph 2 (membership of the Parole Board) is amended in accordance with subsections (3) to (6). 5
- (3) In sub-paragraph (1) –
 - (a) for “chairman” substitute “chair, vice-chair”;
 - (b) for “four” substitute “five”.
- (4) In sub-paragraph (2) –
 - (a) omit the “and” at the end of paragraph (c); 10
 - (b) after paragraph (d) insert “; and
 - (e) a person appearing to the Secretary of State to have experience of law enforcement in a part of the United Kingdom.”
- (5) After sub-paragraph (2) insert – 15
 - “(2A) “Law enforcement” means the prevention, detection or investigation of offences.
 - (2B) A person appointed as the chair or vice-chair –
 - (a) must be appointed for an initial term of five years;
 - (b) may be re-appointed for one further term of five years, which 20 must begin at the end of the initial term;
 - (c) otherwise holds and vacates office in accordance with the terms of their appointment (but see sub-paragraph (2C));
 - (d) may resign the office by notice in writing addressed to the Secretary of State. 25
 - (2C) The Secretary of State may remove the chair from office before the end of the current term of the person appointed to that office (and otherwise than in accordance with the terms of the person’s appointment), if the Secretary of State considers it necessary to do so for the maintenance of public confidence in the Board. 30
 - (2D) A person who ceases to hold office as the chair is not eligible for re-appointment to that office, except in accordance with sub-paragraph (2B)(b) (but is eligible for appointment as the vice-chair or as another member of the Board).
 - (2E) A person who ceases to hold office as the vice-chair is not eligible 35 for re-appointment to that office, except in accordance with sub-paragraph (2B)(b) (but is eligible for appointment as the chair or as another member of the Board).”
- (6) In sub-paragraph (3) –
 - (a) in the words before paragraph (a), after “Board”, insert “, other than 40 the chair or vice-chair”;

- (b) in the words after paragraph (b), after “Board”, insert “, other than as the chair or vice-chair,”.
- (7) After paragraph 2 insert –
“Functions of the chair
- 2A (1) Subject to sub-paragraphs (2) and (3), the chair has the following functions –
- (a) to lead the Board in the general exercise of its functions;
 - (b) to chair meetings of the Board, insofar as the meeting concerns the general exercise of the Board’s functions;
 - (c) to ensure that a strategy for the effective exercise by the Board of its functions is in place;
 - (d) to keep the strategy under review and make such periodic changes to it as the chair considers appropriate;
 - (e) to take such steps as the chair considers appropriate to promote the independence of the Board;
 - (f) to take such steps as the chair considers appropriate to ensure account is taken by the Board of matters specified in directions given by the Secretary of State under section 239(6);
 - (g) to take such steps as the chair considers appropriate to promote public awareness of the Board and its functions.
- (2) The chair must not play any part in dealing with individual parole cases.
- (3) In particular, the chair must not –
- (a) attend or otherwise play any part in any proceedings of the Board in relation to individual parole cases, or
 - (b) otherwise seek to influence the recommendations of the Board in relation to individual parole cases.
- (4) The Board may make arrangements for the discharge of any of the chair’s functions by one or more of the members or employees of the Board.
- (5) In this paragraph –
- (a) references to the general exercise of the Board’s functions are to the exercise of those functions otherwise than in relation to individual parole cases;
 - (b) “parole cases” means cases as respects which the Board makes recommendations under Chapter 6 of Part 12 or under Chapter 2 of Part 2 of the Crime (Sentences) Act 1997.”
- (8) In paragraph 4(1), after “section 239(5)” insert “and paragraph 2A of this Schedule”.
- (9) In paragraph 8, for “Chairman” substitute “chair”.

- (10) Nothing in this section has any effect in relation to a person who holds the office of chair of the Parole Board by virtue of an appointment made before 29 March 2023.

Whole life prisoners prohibited from forming a marriage or civil partnership

55 Whole life prisoners prohibited from forming a marriage 5

- (1) After section 2 of the Marriage Act 1949 insert—

“2A Marriages of whole life prisoners

- (1) A person (“A”) may not marry another person if A—
(a) is serving a life sentence in a prison or other place of detention,
and 10
(b) is subject to a whole life order.

- (2) But subsection (1) does not apply if A has written permission from the Secretary of State to marry the other person.

- (3) The Secretary of State may not give written permission under subsection (2) unless satisfied that exceptional circumstances exist which justify the permission being given. 15

- (4) A marriage solemnized in contravention of subsection (1) is void.

- (5) In this section—
“life sentence” has the meaning given by section 34(2) of the
Crime (Sentences) Act 1997; 20
“whole life order” means an order that section 28(5) to (8) of that
Act (early release of person serving life sentence) is not to apply
to a person.

- (6) A person is to be treated for the purposes of this section as being subject to a whole life order if— 25
(a) the person is serving a life sentence passed before 18 December 2003,
(b) the sentence was passed in circumstances where the sentence was fixed by law,
(c) before 18 December 2003 the person was notified in writing 30
by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
(d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 35
2003 (mandatory life sentences: transitional cases).”

- (2) In section 11(a) of the Matrimonial Causes Act 1973 (grounds on which a marriage is void), omit the “or” at the end of sub-paragraph (ii) and insert—

- “(iia) the marriage is solemnized in contravention of section 2A of the Marriage Act 1949; or” 40

56 Whole life prisoners prohibited from forming a civil partnership

- (1) Section 3 of the Civil Partnership Act 2004 (eligibility) is amended as follows.
- (2) In subsection (1) –
- (a) omit the “or” at the end of paragraph (c), and
 - (b) after paragraph (d) insert “, or 5
 - (e) either of them is serving a life sentence in a prison or other place of detention and is subject to a whole life order.”
- (3) After subsection (1) insert –
- “(1A) But two people are not ineligible to register as civil partners of each other by reason of either of them falling within paragraph (e) of subsection (1) if each of them falling within that paragraph has written permission from the Secretary of State to register as a civil partner of the other. 10
- (1B) The Secretary of State may not give written permission under subsection (1A) unless satisfied that exceptional circumstances exist which justify the permission being given.” 15
- (4) After subsection (2) insert –
- “(3) In this section –
- “life sentence” has the meaning given by section 34(2) of the Crime (Sentences) Act 1997; 20
 - “whole life order” means an order that section 28(5) to (8) of that Act (early release of person serving life sentence) is not to apply to a person.
- (4) A person is to be treated for the purposes of this section as being subject to a whole life order if – 25
- (a) the person is serving a life sentence passed before 18 December 2003,
 - (b) the sentence was passed in circumstances where the sentence was fixed by law, 30
 - (c) before 18 December 2003 the person was notified in writing by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
 - (d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 2003 (mandatory life sentences: transitional cases).” 35

PART 5

GENERAL

57 Financial provision

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by the Secretary of State, and 5
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

58 Power to make consequential provision

- (1) The Secretary of State may by regulations make provision that is consequential on section 16, 55 or 56. 10
- (2) Regulations under this section may amend, repeal or revoke any provision of or made under primary legislation.
- (3) The provision referred to in subsection (2) does not include a provision of legislation passed or made after the end of the session of Parliament in which this Act is passed. 15
- (4) In this section, “primary legislation” means—
 - (a) an Act;
 - (b) a Measure or Act of Senedd Cymru;
 - (c) an Act of the Scottish Parliament; 20
 - (d) Northern Ireland legislation.

59 Regulations

- (1) Regulations under this Act—
 - (a) may make different provision for different purposes or areas;
 - (b) may include supplementary, incidental, saving or transitional provisions. 25
- (2) Regulations under this Act are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under section 58 that amend, repeal or revoke primary legislation (within the meaning of that section) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 30
- (4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section does not apply to regulations under section 61.

60 Extent

- (1) This Act extends to England and Wales only, subject as follows.
- (2) Section 39(5) also extends to Scotland.
- (3) Section 17(3) and (4) also extends to Northern Ireland.
- (4) The following also extend to Scotland and Northern Ireland – 5
 - (a) section 23;
 - (b) section 25;
 - (c) section 27(3);
 - (d) section 39(1) to (4);
 - (e) this Part. 10

61 Commencement

- (1) This Part comes into force on the day on which this Act is passed.
- (2) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act. 15
- (4) Regulations under this section may make different provision for different purposes or areas.
- (5) Regulations under this section are to be made by statutory instrument.

62 Short title 20

This Act may be cited as the Victims and Prisoners Act 2024.

SCHEDULE

section 42(9)

OFFENCES RELEVANT TO PUBLIC PROTECTION DECISIONS

Before Schedule 19 to the Criminal Justice Act 2003 insert –

“SCHEDULE 18B

section 237A(4)

OFFENCES RELEVANT TO PUBLIC PROTECTION DECISIONS

5

PART 1

COMMON LAW OFFENCES

Offences under the law of England and Wales, Scotland and Northern Ireland

- | | | |
|---|-------------|----|
| 1 | Kidnapping. | |
| 2 | Murder. | 10 |

Offences under the law of England and Wales and Northern Ireland

- | | | |
|---|---------------|--|
| 3 | Manslaughter. | |
|---|---------------|--|

Offences under the law of Scotland

- | | | |
|----|------------------------------|----|
| 4 | Abduction. | |
| 5 | Assault and poisoning. | 15 |
| 6 | Assault by explosive device. | |
| 7 | Assault to severe injury. | |
| 8 | Assault with intent to rob. | |
| 9 | Culpable homicide. | |
| 10 | Malicious mischief. | 20 |
| 11 | Poisoning. | |
| 12 | Robbery. | |
| 13 | Wilful fire-raising. | |

Offences under the law of Northern Ireland

- | | | |
|----|---------|----|
| 14 | Affray. | 25 |
| 15 | Riot. | |

PART 2

STATUTORY OFFENCES

Offences against the Person Act 1861

- | | | |
|----|---|----|
| 16 | An offence under any of the following provisions of the Offences against the Person Act 1861 – | 5 |
| | (a) section 4 (soliciting murder); | |
| | (b) section 16 (threats to kill); | |
| | (c) section 18 (wounding with intent to cause grievous bodily harm); | |
| | (d) section 20 (malicious wounding); | |
| | (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence); | 10 |
| | (f) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence); | |
| | (g) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm); | 15 |
| | (h) section 27 (abandoning children); | |
| | (i) section 28 (causing bodily injury by explosives); | |
| | (j) section 29 (using explosives etc with intent to do grievous bodily harm); | |
| | (k) section 30 (placing explosives with intent to do bodily injury); | 20 |
| | (l) section 31 (setting spring guns etc with intent to do grievous bodily harm); | |
| | (m) section 32 (endangering the safety of railway passengers); | |
| | (n) section 35 (injuring persons by furious driving); | |
| | (o) section 37 (assaulting officer preserving wreck); | 25 |
| | (p) section 38 (assault with intent to resist arrest); | |
| | (q) section 47 (assault occasioning actual bodily harm). | |

Explosive Substances Act 1883

- | | | |
|----|--|----|
| 17 | An offence under any of the following provisions of the Explosive Substances Act 1883 – | 30 |
| | (a) section 2 (causing explosion likely to endanger life or property); | |
| | (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property); | |
| | (c) section 4 (making or possession of explosive under suspicious circumstances); | 35 |
| | (d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives). | |

Infant Life (Preservation) Act 1929

- 18 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933

- 19 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children). 5

Infanticide Act 1938

- 20 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Sexual Offences Act 1956

- 21 An offence under section 33A of the Sexual Offences Act 1956 (keeping a brothel used for prostitution). 10

Firearms Act 1968

- 22 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of firearm with intent to injure);
 - (b) section 16A (possession of firearm with intent to cause fear of violence); 15
 - (c) section 17(1) (use of firearm to resist arrest);
 - (d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
 - (e) section 18 (carrying a firearm with criminal intent). 20

Theft Act 1968

- 23 An offence under any of the following provisions of the Theft Act 1968—
- (a) section 8 (robbery or assault with intent to rob);
 - (b) section 9, where the offence is burglary with intent to— 25
 - (i) inflict grievous bodily harm on a person, or
 - (ii) do unlawful damage to a building or anything in it;
 - (c) section 10 (aggravated burglary);
 - (d) section 12A (aggravated vehicle-taking).

Criminal Damage Act 1971

- 24 (1) An offence of arson under section 1 of the Criminal Damage Act 1971. 30
- (2) An offence under section 1(2) of that Act (destroying or damaging property), other than an offence of arson.

Biological Weapons Act 1974

- 25 An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons).

Protection of Children Act 1978

- 26 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children). 5

Customs and Excise Management Act 1979

- 27 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles). 10

Taking of Hostages Act 1982

- 28 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982

- 29 An offence under any of the following provisions of the Aviation Security Act 1982 – 15
- (a) section 1 (hijacking);
 - (b) section 2 (destroying, damaging or endangering safety of aircraft);
 - (c) section 3 (other acts endangering or likely to endanger safety of aircraft); 20
 - (d) section 4 (offences in relation to certain dangerous articles);
 - (e) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft).

Nuclear Material (Offences) Act 1983

- 30 An offence under section 2 of the Nuclear Material (Offences) Act 1983 (preparatory acts and threats). 25

Mental Health Act 1983

- 31 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients). 30

Public Order Act 1986

- 32 An offence under any of the following provisions of the Public Order Act 1986 –
- (a) section 1 (riot);
 - (b) section 2 (violent disorder); 35

- (c) section 3 (affray).

Criminal Justice Act 1988

- 33 An offence under either of the following provisions of the Criminal Justice Act 1988 –
 - (a) section 134 (torture); 5
 - (b) section 160 (possession of indecent photograph of a child).

Road Traffic Act 1988

- 34 An offence under any of the following provisions of the Road Traffic Act 1988 –
 - (a) section 1 (causing death by dangerous driving); 10
 - (b) section 3ZC (causing death by driving: disqualified drivers);
 - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

Aviation and Maritime Security Act 1990

- 35 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990 – 15
 - (a) section 1 (endangering safety at aerodromes);
 - (b) section 9 (hijacking of ships);
 - (c) section 10 (seizing or exercising control of fixed platforms);
 - (d) section 11 (destroying ships or fixed platforms or endangering their safety); 20
 - (e) section 12 (other acts endangering or likely to endanger safe navigation);
 - (f) section 13 (offences involving threats);
 - (g) section 14(4) (inducing or assisting the commission of offences relating to hijacking of ships, or destroying ships or fixed platforms or endangering their safety). 25

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

- 36 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system). 30

Chemical Weapons Act 1996

- 37 An offence under either of the following provisions of the Chemical Weapons Act 1996 –
 - (a) section 2 (use etc of chemical weapons); 35
 - (b) section 11 (premises or equipment used for producing chemical weapons).

Protection from Harassment Act 1997

- 38 An offence under either of the following provisions of the Protection from Harassment Act 1997 –
- (a) section 4 (putting people in fear of violence);
 - (b) section 4A (stalking involving fear of violence or serious alarm or distress). 5

Crime and Disorder Act 1998

- 39 (1) An offence under section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults).
- (2) An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986). 10

Terrorism Act 2000

- 40 An offence under any of the following provisions of the Terrorism Act 2000 – 15
- (a) section 11 (membership of a proscribed organisation);
 - (b) section 12 (inviting support for a proscribed organisation etc);
 - (c) section 15 (fund-raising);
 - (d) section 16 (use or possession of money or property for terrorist purposes); 20
 - (e) section 17 (involvement in terrorist funding arrangements);
 - (f) section 17A (insurance against payments made in response to terrorist demands);
 - (g) section 18 (laundering of terrorist property);
 - (h) section 19 (failure to disclose professional belief or suspicion about terrorist offences); 25
 - (i) section 21A (failure in regulated sectors to disclose knowledge or suspicion about terrorist offences);
 - (j) section 38B (failure to disclose information about acts of terrorism);
 - (k) section 39 (disclosure of information prejudicial to a terrorist investigation etc); 30
 - (l) section 54 (weapons training);
 - (m) section 56 (directing terrorist organisation);
 - (n) section 57 (possession of article for terrorist purposes);
 - (o) section 58 (collection of information likely to be of use to a terrorist); 35
 - (p) section 58A (publishing information about members of the armed forces);
 - (q) section 58B (entering or remaining in a designated area);
 - (r) sections 59 to 61 (inciting terrorism overseas).

International Criminal Court Act 2001

- 41 An offence under section 51 or 52 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

Anti-terrorism, Crime and Security Act 2001

5

- 42 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001 –
- (a) section 47 (use etc of nuclear weapons);
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas);
 - (c) section 113 (use of noxious substance or thing to cause harm or intimidate).

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Female Genital Mutilation Act 2003

- 43 An offence under any of the following provisions of the Female Genital Mutilation Act 2003 –
- (a) section 1 (female genital mutilation);
 - (b) section 2 (assisting a girl to mutilate her own genitalia);
 - (c) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

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Sexual Offences Act 2003

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- 44 An offence under Part 1 of the Sexual Offences Act 2003 (sexual offences), other than an offence under any of the following provisions of that Act –
- (a) section 51A (soliciting);
 - (b) section 53A (paying for sexual services of a prostitute subjected to force etc);
 - (c) section 71 (sexual activity in a public lavatory).

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Domestic Violence, Crime and Victims Act 2004

- 45 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

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Terrorism Act 2006

- 46 An offence under any of the following provisions of the Terrorism Act 2006 –
- (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications);
 - (c) section 5 (preparation of terrorist acts);
 - (d) section 6 (training for terrorism);

35

- (e) section 8 (attendance at a place used for terrorist training);
- (f) section 9 (making or possession of radioactive device or material);
- (g) section 10 (misuse of radioactive device or material for terrorist purposes etc);
- (h) section 11 (terrorist threats relating to radioactive devices etc). 5

Counter-Terrorism Act 2008

- 47 An offence under section 54 of the Counter-Terrorism Act 2008 (breach of police notification requirements etc).

Terrorism Prevention and Investigation Measures Act 2011

- 48 An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notices imposing terrorism prevention and investigation measures). 10

Counter-Terrorism and Security Act 2015

- 49 An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order). 15

Serious Crime Act 2015

- 50 An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).

Modern Slavery Act 2015

- 51 An offence under either of the following provisions of the Modern Slavery Act 2015 – 20
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).

Space Industry Act 2018

- 52 An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018 – 25
- (a) paragraph 1 (hijacking of spacecraft);
 - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
 - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft); 30
 - (d) paragraph 4 (endangering safety at spaceports).”

Victims and Prisoners Bill

[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make provision about victims of criminal conduct and others affected by criminal conduct; about the appointment and functions of advocates for victims of major incidents; about the release of prisoners; about the membership and functions of the Parole Board; to prohibit certain prisoners from forming a marriage or civil partnership; and for connected purposes.

Brought from the Commons on 6th December 2023

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