

# Victims and Prisoners Bill

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## SEVENTH MARSHALLED

### LIST OF AMENDMENTS

#### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 18th December 2023, as follows –*

Clauses 1 to 42  
Schedule

Clauses 43 to 62  
Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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#### Clause 48

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

**149** Clause 48, page 51, line 10, at end insert –

“(ba) after subsection (3), insert –

“(3A) Where –

- (a) the prisoner has been released on licence under this Chapter,
- (b) the qualifying period has expired, and
- (c) if his case has been considered for termination previously by the Parole Board and a period of at least twelve months has expired since the disposal of that application,

the prisoner may make an application to the Parole Board under this subsection.””

***Member's explanatory statement***

*This amendment, along with two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.*

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

150 Clause 48, page 51, line 12, after “reference” insert “or application”

***Member's explanatory statement***

*This amendment, along with the two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.*

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

151 Clause 48, page 51, line 12, after “subsection (3)” insert “or (3A)”

***Member's explanatory statement***

*This amendment, along with the two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.*

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

152 Clause 48, page 52, line 21, at end insert –

“(41) The prisoner’s licence will be considered to have remained in force for the purposes of subsection 4H(c) if –

- (a) the prisoner has been recalled within that period;
- (b) the Secretary of State has cancelled the revocation; and
- (c) the prisoner has been re-released.”

***Member's explanatory statement***

*This amendment would maintain the sunset clause for the licence to cease where a person has been recalled during the two year period but the Secretary of State has rescinded the recall. This amendment seeks to ensure that individuals are not penalised for mistakes that have been made about them.*

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

153 Clause 48, page 52, line 21, at end insert –

- “(4I) the prisoner’s licence will be considered to have remained in force for the purposes of subsection 4H(c) if –
- (a) The prisoner has been recalled within that period;
  - (b) The Parole Board has determined that the recall was in appropriate;
  - (c) The Parole Board has directed the prisoner’s re-release and”

***Member's explanatory statement***

*This amendment would maintain the sunset clause for the licence to cease where a person has been recalled during the two year period but the Parole Board has found the recall to be inappropriate in accordance with its duty to make such a determination.*

LORD CARTER OF HASLEMERE  
BARONESS CHAKRABARTI  
LORD GARNIER

154 Clause 48, page 52, line 21, at end insert –

- “(4I) the prisoner’s licence will be considered to have remained in force for the purposes of subsection (4H)(c) if –
- (a) the prisoner has been recalled within that period,
  - (b) the Secretary of State has released P again on licence in accordance with his powers under section 32(5B), and
  - (c) the Secretary of State orders that the licence should be considered to have remained in force during the period of recall.”

***Member's explanatory statement***

*This amendment would enable a person whom the Secretary of State has deemed suitable for executive release to benefit from the qualifying period as if the recall had not occurred, but only if Secretary of State considers this appropriate in all the circumstances.*

LORD BLUNKETT  
BARONESS CHAKRABARTI  
BARONESS BURT OF SOLIHULL  
LORD HODGSON OF ASTLEY ABBOTTS

155 Clause 48, page 52, line 23, after ““three”,” insert “and

- (ii) at end insert “in the case of a person serving a sentence of imprisonment for public protection and one and a half years beginning with the date of his release in the case of a person serving a sentence of detention for public protection.”;

**Member's explanatory statement**

*This amendment would halve the qualifying period for men and women who were sentenced as children in line with other statutory provisions, such as when convictions become “spent”, to reflect the principle that children change in a shorter period than adults.*

EARL ATTLEE  
LORD MOYLAN  
LORD BLUNKETT

156 Clause 48, page 52, leave out lines 24 to 31

**Member's explanatory statement**

*This amendment would remove the power for the Secretary of State to amend the qualifying period by secondary legislation.*

LORD THOMAS OF CWMGIEDD  
LORD MOYLAN  
LORD BLUNKETT  
BARONESS BURT OF SOLIHULL

157 Clause 48, page 52, line 26, leave out “change” and insert “reduce”

**Member's explanatory statement**

*This amendment would revise the power of the Secretary of State to change the qualifying period by secondary legislation so that he could only reduce the length of the period.*

LORD BLUNKETT  
BARONESS BURT OF SOLIHULL  
BARONESS CHAKRABARTI

158 Clause 48, page 52, line 36, at end insert –

“(4) Provisions in this section related to imprisonment or detention for public protection sentences also apply to automatic life sentences imposed pursuant to section 2 of the Crime (Sentences) Act 1997.”

**Member's explanatory statement**

*This amendment would apply provisions related to imprisonment or detention for public protection (IPP) sentences to automatic life sentences imposed under section 2 of the Crime (Sentences) Act 1997, also known as “two-strike life”, which IPP sentences replaced in April 2005.*

**After Clause 48**

LORD BLUNKETT  
LORD HOPE OF CRAIGHEAD  
LORD GARNIER  
BARONESS BURT OF SOLIHULL

159 After Clause 48, insert the following new Clause—

**“Imprisonment or detention for public protection: action plan**

- (1) Within two months of the passing of this Act, the Secretary of State must publish a revised action plan on the indeterminate sentences of imprisonment and detention for public protection.
- (2) The revised action plan in subsection (1) should ensure the effective rehabilitation and progression of people serving indeterminate sentences of imprisonment and detention for public protection.
- (3) To advance the purpose outlined in subsection (2), the revised action plan is established to—
  - (a) increase the release rate;
  - (b) improve sentence progression;
  - (c) reduce the recall rate;
  - (d) increase the number of licence terminations; and
  - (e) reduce the rate of self-harm and self-inflicted deathof people serving indeterminate sentences of imprisonment and detention for public protection.
- (4) In delivering the purpose outlined in subsection (2), the revised action plan must include, but is not limited to, provision to—
  - (a) improve the arrangements for cooperation between the prison and probation service and the Parole Board;
  - (b) improve the arrangements for progression through the sentence;
  - (c) improve the access of prisoners to the interventions they need in order to progress in their sentence and demonstrate reduced risk;
  - (d) improve access to mental health treatment and support in prison and the community;
  - (e) improve support for people through the parole process;
  - (f) improve the quality and availability of resettlement support;
  - (g) review and improve arrangements for breach and recall;
  - (h) improve the support available to people recalled to custody;
  - (i) address the particular issues affecting individuals with protected characteristics;
  - (j) improve the knowledge and understanding of prison and probation staff and Parole Board members about the experiences and needs of people on IPP sentences;

- (k) improve arrangements for communicating with people on IPPs and their families about individual cases and policy developments relating to the IPP sentence.
- (5) The Secretary of State must allocate sufficient resource to the plan to meet the purpose outlined in subsection (2).
- (6) The Secretary of State must appoint a senior imprisonment for public protection progression board to oversee delivery of the plan.
- (7) The senior imprisonment for public protection progression board in subsection (6) must include suitably qualified senior officials from His Majesty's Prison and Probation Service to lead on each of the objectives outlined in subsection (3).
- (8) The senior imprisonment for public protection progression board must meet at least four times a year.
- (9) The imprisonment for public protection progression board must, as soon as practicable after the end of each financial year, report to the Secretary of State on its work during the year.
- (10) The Secretary of State must lay a copy of the report before Parliament and place copies in the Library of both Houses."

***Member's explanatory statement***

*This new clause would place the government's imprisonment for public protection action plan on a statutory basis and give it a stated purpose.*

LORD BLUNKETT  
LORD HOPE OF CRAIGHEAD  
LORD GARNIER  
BARONESS BURT OF SOLIHULL

**160★** After Clause 48, insert the following new Clause –

**“Imprisonment or detention for public protection: independent scrutiny panel**

- (1) There must be an independent scrutiny panel on indeterminate sentences of imprisonment and detention for public protection.
- (2) The panel is established to –
  - (a) ensure that ministers and officials give the progression of individuals under these sentences priority attention,
  - (b) receive reports on trends of the welfare, progression, release, recall and licence termination in this cohort and the particular issues affecting individuals with protected characteristics in each of these categories,
  - (c) commission research where the evidence indicates that this is necessary,
  - (d) scrutinise progress against, and input into, the Government's IPP action plan, and
  - (e) advise ministers and officials on any changes in legislation or policy that may be required.

- (3) In meeting its objective under subsection (2)(d), the panel is entitled to—
  - (a) receive updates from the senior IPP progression panel on the progress of the IPP action plan;
  - (b) receive updates from the senior IPP protection progression panel on the outcomes of its board meetings;
  - (c) require the attendance of a member or members of the senior IPP progression board at panel meetings;
  - (d) make recommendations to be presented to the senior IPP progression board.
- (4) The panel must, as soon as practicable after the end of each financial year, report to the Lord Chancellor on its work during the year.
- (5) The Lord Chancellor must lay a copy of the report before Parliament and place copies in the Library of both Houses.
- (6) The panel must publish the report once a copy has been so laid.
- (7) Within three months of receiving a report from the panel, the Lord Chancellor must respond outlining how they will—
  - (a) implement, or
  - (b) provide reasons for departing from the recommendations of the report.
- (8) The Lord Chancellor must lay a copy of the response before Parliament and place copies in the Library of both Houses.
- (9) The panel is to consist of at least eight members appointed by the Lord Chancellor.
- (10) The Lord Chancellor must appoint a chair of the panel.
- (11) In exercising their responsibilities under subsection (10), the Lord Chancellor must seek approval for their choice of chair from the Justice Committee in the House of Commons.
- (12) A person is eligible to be a member of the external scrutiny panel if the person appears to the Lord Chancellor to have experience in one or more of the following areas—
  - (a) judiciary;
  - (b) criminal defence or prosecution;
  - (c) sentencing policy and the administration of justice;
  - (d) prisons and probation;
  - (e) psychology and psychiatry;
  - (f) academic study or research relating to criminal law or criminology;
  - (g) independent inspection and scrutiny of the criminal justice system;
  - (h) the investigation of complaints;
  - (i) the welfare of prisoners;
  - (j) people on an IPP sentence or their families;
  - (k) criminal justice reform and rehabilitation charities.

- (13) The Lord Chancellor may by order make provision for –
- (a) the term of office, resignation, and reappointment of panel members,
  - (b) the remuneration of panel members, and
  - (c) the budget of the panel.”

***Member's explanatory statement***

*This new Clause would establish an independent scrutiny panel to ensure ministers and officials give the IPP sentence priority attention and scrutinise progress against the IPP action plan.*

LORD MOYLAN  
LORD BLUNKETT  
BARONESS CHAKRABARTI  
LORD HOPE OF CRAIGHEAD

**161** After Clause 48, insert the following new Clause –

**“Imprisonment of detention or imprisonment for public protection: release test**

- (1) This section applies to a prisoner serving a sentence of imprisonment or detention for public protection who has served a period of imprisonment or detention –
  - (a) in excess of the maximum determinate sentence provided by law for the offence or offences for which they were convicted, or
  - (b) 10 years or more beyond the minimum term of their sentence.
- (2) In the case of a prisoner to whom this section applies –
  - (a) the Secretary of State must by order pursuant to section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) direct that, following the prisoner's referral to the Parole Board, they will be released unless the Board is satisfied by the detaining authority that it remains necessary and proportionate for the protection of the public from serious harm that they should continue to be confined.
  - (b) section 28ZA of the Crime (Sentences) Act 2017 (public protection decisions) does not apply.”

***Member's explanatory statement***

*This amendment would alter the release test applied by the Parole Board for certain prisoners serving a sentence of detention or imprisonment for public protection under the existing powers of section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.*

LORD BLUNKETT  
BARONESS CHAKRABARTI  
BARONESS BURT OF SOLIHULL  
LORD HOPE OF CRAIGHEAD

162 After Clause 48, insert the following new Clause –

**“Enhanced sentence progression for individuals sentenced to detention for public protection who have not been released**

After section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners) insert –

**“28ZA Duty of enhanced progression for individuals sentenced to detention for public protection**

- (1) This section applies to a person serving a sentence of detention for public protection who has not been released on licence by the Parole Board and who is not considered suitable for executive release by the Secretary of State.
- (2) It is the duty of the Secretary of State to convene quarterly sentence planning meetings in respect of a person falling within subsection (1) with a view to ensuring that all possible steps are taken to enable their safe release at the earliest possible time.”

*Member's explanatory statement*

*This would require the Secretary of State to ensure that where a DPP is “stuck” either at first instance or following recall, instead of usual annual sentence planning meetings setting out what is expected of the person to progress through their sentence, there should be quarterly reviews.*

LORD BLUNKETT  
BARONESS CHAKRABARTI  
BARONESS BURT OF SOLIHULL  
LORD HOPE OF CRAIGHEAD

163 After Clause 48, insert the following new Clause –

**“Annual referrals for individuals sentenced to detention for public protection**

In section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners), after subsection (6A) insert –

- “(6B) In the case of a person serving a sentence of detention for public protection, the Secretary of State must refer his case to the Parole Board at any time –
- (a) after he has served the relevant part of his sentence, and
  - (b) where there has been a previous reference of his case to the Board, no later than the period of one year beginning with the disposal of that reference.”

**Member's explanatory statement**

*This would require the Secretary of State to refer cases of those sentenced to DPPs as children to the Parole Board annually. This would ensure these cases are subject to enhanced scrutiny in line with the well-established duties owed to those who offended as children.*

BARONESS BLOWER  
LORD GARNIER  
LORD BLUNKETT

164 After Clause 48, insert the following new Clause –

**“Appointment of persons to represent IPP prisoners’ interests**

- (1) The Secretary of State may by regulations establish a list of “Imprisonment for Public Protection Mentors and Advocates” (“IPP Mentors”) to act on behalf of an IPP prisoner (“an IPP prisoner”).
- (2) “IPP prisoner” means a person sentenced to imprisonment for public protection under the Criminal Justice Act 2003.
- (3) For the purposes of subsection (1) and subject to subsection (4), the Secretary of State must prescribe the minimum qualifications for a person to be appointed as an IPP Mentor.
- (4) A person may not act as an IPP Mentor unless the following conditions are satisfied –
  - (a) the person has appropriate experience or training or an appropriate combination of experience and training;
  - (b) the person is of integrity and good character; and
  - (c) the person is able to act independently of any other person who is professionally concerned with the offender’s continuing imprisonment.
- (5) The Secretary of State may pay an IPP Mentor amounts –
  - (a) by way of remuneration, pensions, allowances, or gratuities, and
  - (b) sums in respect of their expenses.
- (6) A person appointed as an IPP Mentor may –
  - (a) visit and advise an IPP prisoner at the establishment where they are imprisoned;
  - (b) assist and support an IPP prisoner at their parole board hearing; and
  - (c) visit and advise an IPP prisoner who has been released on licence.
- (7) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An offender who has exceeded their minimum tariff period may ask for the assistance of an IPP Mentor.
- (9) An IPP Mentor shall not be entitled to provide legal advice to an IPP prisoner.”

**Member's explanatory statement**

*This clause is designed to enable the Secretary of State to appoint a small number of independent mentors and advocates who will assist over-tariff prisoners sentenced to imprisonment for public protection. These individuals will not provide legal advice but will provide practical advice and assistance to help such prisoners formulate a release plan; will support them at their Parole Board hearing and on release; and will signpost relevant services (including mental health services where necessary) to enable them to get out and stay out of prison.*

BARONESS BURT OF SOLIHULL  
THE LORD BISHOP OF GLOUCESTER  
LORD BLUNKETT  
LORD MOYLAN

165 After Clause 48, insert the following new Clause—

**“Imprisonment or detention for public protection: aftercare for prisoners who have been transferred to hospital and returned to prison**

In section 117 of the Mental Health Act 1983 (After-care), after subsection (2) insert—

“(2A) In the case of a person owed a duty of care under subsection (1) and who remains in prison or who has been released on licence, it is the duty of the integrated care board or Local Health Board and of the local social services authority to provide or arrange for the provision of, in co-operation with relevant voluntary agencies and prison and probation authorities, after-care services for any person to whom this section applies until such time as they have been released from prison or had their licence terminated and the integrated care board or Health Board and the local social services authority are satisfied that the person concerned is no longer in need of such services.””

**Member's explanatory statement**

*This probing amendment clarifies the existing entitlements to aftercare of people who have been transferred from a secure hospital to prison and who either remain in prison or on licence in the community.*

BARONESS BURT OF SOLIHULL  
THE LORD BISHOP OF GLOUCESTER  
LORD BLUNKETT  
LORD MOYLAN

166 After Clause 48, insert the following new Clause—

**“Imprisonment or detention for public protection: aftercare**

(1) Part VIII of the Mental Health Act 1983 (Miscellaneous Functions of Local Authorities and the Secretary of State) is amended as follows.

- (2) After section 117(1) (After-care), insert –
- “(1A) This section additionally applies to persons who are detained in prison following an indeterminate sentence of public protection under section 225 or 226 of the Criminal Justice Act 2003 and then cease to be detained and (whether or not immediately after so ceasing) leave prison where –
- (a) the licence has not ceased to have effect under section 31A(2) of the Crime (Sentences) Act 1997;
  - (b) three years have elapsed since their latest parole eligibility date.”
- (3) After section 117(6) (After-care), insert –
- “(7) In this section, “after-care services”, in relation to a person specified section (1A), means services which have both of the following purposes –
- (a) meeting a need identified by the integrated care board or Local Health Board and of the local social services authority; and
  - (b) reducing the risk of a deterioration of the person’s mental condition.””

***Member's explanatory statement***

*This new Clause introduces an additional aftercare duty to people on imprisonment for public protection who (i) have never been released and are three or more years after their tariff has expired; and (ii) have not yet had their licence terminated.*

BARONESS FOX OF BUCKLEY  
LORD MOYLAN  
LORD BLUNKETT  
LORD WOODLEY

**167** After Clause 48, insert the following new Clause –

**“Re-sentencing those serving a sentence of imprisonment for public protection**

- 5 (1) The Lord Chancellor must make arrangements for, and relating to, the re-sentencing of all prisoners serving IPP sentences within 18 months beginning on the day on which this Act is passed.
- (2) Those arrangements must include arrangements relating to the establishment of a committee to provide advice regarding the discharge of the Lord Chancellor’s duty under subsection (1).
- 10 (3) The committee established by virtue of subsection (2) must include a judge nominated by the Lord Chief Justice.
- (4) A court that imposed an IPP sentence has the power to re-sentence the prisoner in relation to the original offence.
- (5) But the court may not impose a sentence that is a heavier penalty than the sentence that was imposed for the original offence.
- 15 (6) In relation to the exercise of the power in subsection (4) –

- (a) that power is to be treated as a power to re-sentence under the Sentencing Code (see section 402(1) of the Sentencing Act 2020);
- (b) the Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).

(7) In this section –

“IPP sentence” means a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act (including such a sentence of imprisonment or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006);

“original offence” means the offence in relation to which the IPP sentence was imposed.

(8) This section comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

***Member's explanatory statement***

*This new clause would implement the recommendation of the Justice Committee's 2022 Report that there should be a resentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise.*

EARL ATTLEE  
LORD BLUNKETT  
LORD WOODLEY

*As an amendment to Amendment 167*

**167A** In subsection (1), at end insert “subject to subsections (9) to (12)”.

***Member's explanatory statement***

*This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.*

EARL ATTLEE  
LORD BLUNKETT  
LORD WOODLEY

*As an amendment to Amendment 167*

**167B** In subsection (8), at end insert “subject to subsections (9) to (12)”.

***Member's explanatory statement***

*This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of*

*Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.*

EARL ATTLEE  
LORD BLUNKETT  
LORD WOODLEY

*As an amendment to Amendment 167*

**167C** After subsection (8) insert—

- “(9) This section does not come into force until the Secretary of State has laid a statement before Parliament confirming that they are satisfied that the Probation Service has the capacity and resources to protect the public following a resentencing of those serving a sentence of imprisonment for public protection.
- (10) Before laying a statement under subsection (9), the Secretary of State must commission a thematic review by the Chief Inspector of Probation that considers the extent to which probation services have the capacity and resources to manage additional supervision as a result of resentencing.
- (11) The Secretary of State must take account of the findings of the thematic review in reaching a decision under subsection (9).
- (12) If the Secretary of State is not satisfied for this section to come into force under the provisions of subsection (9), the decision must be reviewed every 12 months until the Secretary of State is satisfied and authorises this section to come into force.”

***Member's explanatory statement***

*This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.*

LORD CARTER OF HASLEMERE  
LORD GARNIER  
LORD BLUNKETT

**168** After Clause 48, insert the following new Clause—

**“Release of recalled prisoner serving an indeterminate sentence**

In section 32(5A) of the Crime (Sentences) Act 1997 (recall of life prisoners while on licence), at end insert—

- “(5B) Where a prisoner serving an indeterminate sentence of detention or imprisonment for public protection is recalled under subsection (1), the Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again under this section.

- (5C) The Secretary of State must not release a prisoner under subsection (5B) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that the prisoner should remain in prison.””

***Member's explanatory statement***

*This amendment would create a power that mirrors the powers that the Secretary of State already has under s255C(2) of the Criminal Justice Act 2003 to release a prisoner serving a fixed term sentence who has been recalled without referring to the Parole Board, subject to their own risk assessment. This enables the Secretary of State to quickly re-release a person who they consider can be safely released following further information.*

**Clause 49**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PONSONBY OF SHULBREDE  
BARONESS CHAKRABARTI  
THE LORD BISHOP OF MANCHESTER

*The above-named Lords give notice of their intention to oppose the Question that Clause 49 stand part of the Bill.*

**Clause 50**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PONSONBY OF SHULBREDE  
THE LORD BISHOP OF MANCHESTER  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their intention to oppose the Question that Clause 50 stand part of the Bill.*

**Clause 51**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PONSONBY OF SHULBREDE  
THE LORD BISHOP OF MANCHESTER  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their intention to oppose the Question that Clause 51 stand part of the Bill.*

**Clause 52**

LORD MARKS OF HENLEY-ON-THAMES  
 BARONESS CHAKRABARTI  
 THE LORD BISHOP OF MANCHESTER

*The above-named Lords give notice of their intention to oppose the Question that Clause 52 stand part of the Bill.*

**Clause 53**

LORD THOMAS OF CWMGIEDD  
 LORD BURNETT OF MALDON  
 LORD BACH  
 LORD GARNIER

169 Clause 53, page 54, leave out lines 35 and 36

***Member's explanatory statement***

*This amendment seeks to ensure that the decision as to the composition of the Board is an independent judicial decision made by the Parole Board.*

LORD BACH  
 LORD GERMAN

*The above-named Lords give notice of their intention to oppose the Question that Clause 53 stand part of the Bill.*

**Clause 54**

LORD THOMAS OF CWMGIEDD  
 LORD BURNETT OF MALDON  
 LORD BACH  
 LORD GARNIER

170 Clause 54, page 55, leave out lines 26 to 30

***Member's explanatory statement***

*This amendment would remove the power for the Secretary of State to remove the Chair of the Parole Board.*

LORD THOMAS OF CWMGIEDD  
 LORD BURNETT OF MALDON  
 LORD BACH  
 LORD GARNIER

171 Clause 54, page 56, leave out lines 22 and 23

**Member's explanatory statement**

*This amendment seeks to reinstate that the Chair of the Parole Board should be engaged in individual parole cases.*

LORD BACH  
LORD GERMAN

*The above-named Lords give notice of their intention to oppose the Question that Clause 54 stand part of the Bill.*

**After Clause 54**

LORD JACKSON OF PETERBOROUGH

**171A** After Clause 54, insert the following new Clause –

**“Parole Board proceedings: enabling public scrutiny**

- (1) The Secretary of State has a statutory duty to improve the openness and transparency of the work of the Parole Board and to facilitate a greater public understanding of its statutory framework, procedures and proceedings.
- (2) The Secretary of State must exercise their powers under section 239(5) of the Criminal Justice Act 2003, to require that Parole Board hearings should normally be open to the public unless there are exceptional circumstances for not doing so, as outlined in subsection (5).
- (3) The Secretary of State has the power to formally direct the Chair of the Parole Board to make arrangements for all Parole Board hearings to be heard in public, as set out in Parole Board (Amendment) Rules 2022 (SI 2022/717).
- (4) The Chair of the Parole Board may exercise their right to decline this request and direction from the Secretary of State and must outline their reasons for so doing in writing to the Secretary of State, within 28 days of a written direction being lodged with the Parole Board.
- (5) Such reasons in respect of subsection (4) must be evidence-based and include –
  - (a) where the Chair of the Parole Board believes that such a request and direction would, on the balance of probability and based on evidential information, indicate that the integrity of evidence presented to the Parole Board may be compromised and prevent a true and accurate assessment of the prisoner’s risk being provided by witnesses;
  - (b) that the presence of strong and valid objections from participants, including victims, their families or legal representatives, could jeopardise the cooperation of witnesses, should the hearing be in public; or
  - (c) that to hold a meeting in public might create an unacceptable risk of mental or physical harm to any of the participants.
- (6) The Secretary of State must formally consider any representations from the Chair of the Parole Board in a timely manner and if they choose to disregard the advice

of the Chair of the Parole Board, they must outline their reasons within 28 days of receipt of such advice, taking into account all available evidence, including that provided by law enforcement, victims, their families or legal and other representatives.

- (7) The Secretary of State must, in exercising their powers, balance the need for openness, transparency and maintaining public faith in the efficacy of the criminal justice system with a commitment to the operational independence of the Parole Board and its members' deliberations, and with an obligation to reduce recidivism and support rehabilitation and the prisoner's ability to resettle in the community upon release from a custodial sentence.
- (8) This section applies only to offences as relevant to public protection decisions and outlined in Schedule 18B Parts 1 and 2 of the Criminal Justice Act 2003.
- (9) The Secretary of State must, within six months of the passing of this Act, and annually thereafter, publish an assessment of the efficacy of the policy of open Parole Board hearings and its impact upon openness, accountability, transparency and public support and whether it meets the interests of the justice test."

***Member's explanatory statement***

*This amendment seeks to consolidate the statutory instrument laid before Parliament on 30 June 2022 (SI 2022/717) to improve openness, accountability and transparency and public trust in the Parole Board by giving the Secretary of State powers to direct the Board to work to a presumption that such meetings should be routinely open to the public, with exceptions; whilst also safeguarding the Board's independence and the requirement to ensure rehabilitation and resettlement of those prisoners likely to be released from a custodial sentence.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS PRASHAR

**171B** After Clause 54, insert the following new Clause –

**“Discretion for the Parole Board to direct the period of time until a subsequent application for parole**

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) In section 28 (duty to release certain life prisoners), subsection (7)(b), for “the end of the period of two years beginning with the disposal of that reference” and substitute “a period of time directed by the Board, which may be between 12 months and five years.”
- (3) Where the prisoner has made a previous application to the Board, and the Board has directed a time of more than two years until their next hearing, the prisoner may make an application to the Board for this decision to be reviewed.
- (4) Where an application is made under subsection (3) above, the Parole Board –
  - (a) must, if it is satisfied that the application merits a reconsideration of its previous decision, direct a new time until the prisoner's next hearing;
  - (b) must otherwise dismiss the application.”

***Member's explanatory statement***

*This amendment allows the Parole Board, upon rejection of a parole application, to determine the length of time until the prisoner can reapply for parole.*

**Clause 55**

LORD PANNICK  
LORD BACH  
LORD GERMAN

*The above-named Lords give notice of their intention to oppose the Question that Clause 55 stand part of the Bill.*

**Clause 56**

LORD PANNICK  
LORD GERMAN

*The above-named Lords give notice of their intention to oppose the Question that Clause 56 stand part of the Bill.*

**After Clause 56**

LORD FARMER  
THE LORD BISHOP OF GLOUCESTER  
LORD PONSONBY OF SHULBREDE  
BARONESS THORNTON

172 After Clause 56, insert the following new Clause –

**“Data collection in relation to children of prisoners**

The Secretary of State must collect and publish annual data identifying –

- (a) how many prisoners are the primary carers of a child,
- (b) how many children have a primary carer who is a prisoner, and
- (c) the ages of those children.”

**Clause 60**

BARONESS MORGAN OF COTES

173 Clause 60, page 60, line 6, at end insert –

“(aa) section 24;”

***Member's explanatory statement***

*This amendment would extend section 24 to England, Wales, Scotland and Northern Ireland.*

**Clause 61**

BARONESS HAMWEE

**174** Clause 61, page 60, line 19, at end insert –

“(6) Regulations commencing section 44 may not be made until a report has been published under section 44(3).”

BARONESS HAMWEE

**175** Clause 61, page 60, line 19, at end insert –

“(6) Regulations commencing section 45 may not be made until a report has been published under section 45(3).”



# Victims and Prisoners Bill

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SEVENTH MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*8 March 2024*

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