

Victims and Prisoners Bill

EIGHTH 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.**

Clause 53

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).”

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21 March 2024

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