

# Victims and Prisoners Bill

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 1

LORD PONSONBY OF SHULBREDE

Clause 1, page 1, line 16, at end insert –

“(e) where the person is a child who is a victim of abuse and exploitation which constitutes criminal conduct.”

LORD PONSONBY OF SHULBREDE

Clause 1, page 1, line 16, at end insert –

“(e) where the person is a child who is a victim of child criminal exploitation.”

LORD PONSONBY OF SHULBREDE

Clause 1, page 2, line 3, at end insert –

“(c) “child criminal exploitation” means where a child under the age of 18 is encouraged, expected or required to take part in any activity that constitutes a criminal offence.”

### Clause 13

LORD PONSONBY OF SHULBREDE

Clause 13, page 11, line 16, at end insert –

“(ba) consult persons appearing to the relevant authorities to represent persons providing victim support services for children, and”

LORD PONSONBY OF SHULBREDE

Clause 13, page 11, line 30, at end insert “including evidence demonstrating how they are fulfilling, or intend to fulfil, their duty under section 12 of this Act,”

**Clause 28**

LORD PONSONBY OF SHULBREDE

Clause 28, page 29, line 14, at end insert –

- “(2A) Where the “significant number” threshold in subsection (2) is not met, the Secretary of State may still declare a major incident where there is a significant public interest in doing so.
- (2B) For the purposes of subsection (2A) there will be a significant public interest in declaring a major incident where –
- (a) an incident has caused death or serious harm in circumstances that appear to the Secretary of State to indicate systemic failings on the part of a public body, and
  - (b) there appears to be a real risk that such circumstances may recur.”

***Member's explanatory statement***

*This amendment would enable the Secretary of State to designate incidents causing serious harm or death to a small number of individuals major incidents where there is significant public interest in doing so.*

**Clause 29**

LORD PONSONBY OF SHULBREDE

Clause 29, page 30, line 3, at end insert –

- “(2A) When carrying out its functions under subsection (2)(a) in relation to a specific major incident, the standing advocate must seek, and relay to the Secretary of State, the views of victims of that incident concerning –
- (a) the type of review or inquiry held into the incident, and
  - (b) their treatment by public authorities in response to the major incident.”

***Member's explanatory statement***

*This amendment would require the standing advocate to communicate the views of the victims of a major incident to the Secretary of State.*

LORD WILLS

Clause 29, page 30, line 3, at end insert –

- “(2A) The standing advocate has all the relevant powers, including those of a chairman of an inquiry under section 21 of the Inquiries Act 2005, to establish a fact-finding inquiry, including powers to see and report on all relevant documentation.
- (2B) The standing advocate must inform the Secretary of State when they plan to use their powers under subsection (2A) and the Secretary of State may block their use of these powers.

- (2C) In the event the Secretary of State blocks the standing advocate’s use of powers under subsection (2A), the Secretary of State must make an oral statement to the House of Commons setting out why it is not in the public interest for such a fact-finding inquiry to take place.
- (2D) In consideration of the public interest, the Secretary of State must demonstrate they have had regard to timeliness, cost, transparency and the emotional and financial interests of the victims.”

LORD PONSONBY OF SHULBREDE

Clause 29, page 30, line 13, at end insert –

- “(4A) The Secretary of State must consider the views of victims of a major incident in relation to –
- (a) whether to appoint more than one advocate in respect of that incident; and if so,
  - (b) whether an individual is appropriate to appoint as an additional advocate in respect of a major incident.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to consider the views of victims of a major incident as to whether to appoint an additional advocate, and who to appoint.*

**Clause 31**

LORD PONSONBY OF SHULBREDE

Clause 31, page 31, line 10, at end insert –

- “(2A) Before terminating the appointment of an advocate under subsection (2)(a), the Secretary of State must consider the views of the victims of the major incident to which the advocate was appointed.”

***Member's explanatory statement***

*This amendment would place a requirement on the Secretary of State to consider the views of the victims of a major incident before terminating the appointment of an advocate appointed in relation to that major incident.*

**Clause 38**

LORD PONSONBY OF SHULBREDE

Clause 38, page 36, line 1, at end insert –

- “(c) must be made publicly accessible.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to make guidance under this section publicly available.*

## LORD PONSONBY OF SHULBREDE

Clause 38, page 36, line 1, at end insert –

- “(2A) The Secretary of State must consult the standing advocate before issuing, revising or withdrawing any guidance under this section.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to consult with the standing advocate before issuing, revising or withdrawing guidance in relation to matters to which advocates appointed in respect of major incidents must have regard.*

**After Clause 38**

## LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

**“Code for victims of major incidents**

- (1) The Secretary of State must issue a code of practice as to the services to be provided to victims of major incidents by persons having functions relating to –
  - (a) victims of major incidents, or
  - (b) any aspect of official inquiries and investigations following a major incident.
- (2) In this Part, the “code for victims of major incidents” means the code of practice issued under this section.
- (3) The code for victims of major incidents must make provisions for services which reflect the principles that victims of major incidents –
  - (a) must be provided with information to help them understand the investigatory processes following the major incident of which they are a victim;
  - (b) must be able to access services which support them (including, where appropriate, specialist services);
  - (c) must have the opportunity to make their views heard in the investigatory processes following the major incident of which they are a victim;
  - (d) must be able to challenge decisions which have a direct impact on them, other than through judicial review.
- (4) The Secretary of State may by way of regulations make further provision about the code for victims of major incidents of which a draft must be laid before and approved by a resolution of each House of Parliament.
- (5) The Secretary of State may make regulations under subsection (4) only if satisfied that provisions made in the code for victims of major incidents 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 code for victims of major incidents,

- (b) a significant restriction in the description of persons to whom services are provided in accordance with the code for victims of major incidents,
  - (c) a significant restriction in the description of persons having functions in relation to victims of major incidents or any aspect of official inquiries and investigations following a major incident, or
  - (d) a reduction of the involvement of victims of major incidents in the investigatory processes following the major incident of which they are a victim.
- (6) The code for victims of major incidents may make different provision for different purposes, including different provision for –
- (a) victims of different descriptions;
  - (b) persons who have different functions of a kind mentioned in subsection (1).
- (7) The code for victims of major incidents may not require anything to be done by a person acting in a judicial capacity, or on the instructions of or on behalf of such a person.”

LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

**“Preparing and issuing the code for victims of major incidents**

- (1) The Secretary of State must prepare a draft of the code for victims of major incidents (“the draft code”).
- (2) In preparing the draft code the Secretary of State must consult the Attorney General and the standing advocate appointed under section 29 (appointment of standing advocate).
- (3) After preparing the draft code, the Secretary of State must –
  - (a) publish the draft, and
  - (b) specify a period of no less than three months during which representations about the draft code may be made to the Secretary of State.
- (4) The Secretary of State must –
  - (a) consider, in consultation with the Attorney General and the standing advocate, any representations about the draft code made to the Secretary of State before the end of the period specified in accordance with subsection (3)(b);
  - (b) if the Secretary of State thinks it appropriate, modify the draft code in the light of any such representations.
- (5) After carrying out the duties under subsection (4), the Secretary of State must lay the draft code before Parliament to be approved by a resolution of each House.
- (6) When the draft code has been laid before Parliament and approved by a resolution of each House in accordance with subsection (5), the Secretary of State must bring it into operation on such day as the Secretary of State appoints by regulations.”

**Member's explanatory statement**

*This amendment would require the Secretary of State to produce, in consultation with the standing advocate, a statutory code for victims of major incidents, modelled on the victims' code.*

## LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

**“Revising the code for victims of major incidents**

- (1) This Secretary of State may from time to time revise the code for victims of major incidents.
- (2) The Secretary of State may revise the code for victims of major incidents only if satisfied that the proposed revisions would not result in –
  - (a) a significant reduction in the quality or extent of services provided in accordance with the code,
  - (b) a significant restriction in the description of person to whom services are provided in accordance with the code,
  - (c) a significant restriction in the description of persons having functions in relation to victims of major incidents or any aspect of official inquiries and investigations following a major incident, or
  - (d) a reduction of the involvement of victims of major incidents in the investigatory processes following the major incident of which they are a victim.
- (3) The procedure in (Preparing and issuing the code for victims of major incidents) applies to a revision of the code for victims of major incidents, except that if the Secretary of State considers that all of the revisions are minor the procedure in subsection (5) may be used instead.
- (4) Revisions are minor if –
  - (a) they make corrections or clarification, or
  - (b) they are consequential on changes to the law.
- (5) The procedure in this subsection is that the Secretary of State must –
  - (a) consult the Attorney General and the standing advocate 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 a day as the Secretary of State appoints by regulations.”

**Member's explanatory statement**

*This amendment would enable the Secretary of State to revise the code for victims of major incidents. It would require consultation with the standing advocate and affirmative parliamentary procedure in cases of non-minor revisions.*

## LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

**“Effect of non-compliance with code for victims of major incidents**

- (1) If a person fails to act in accordance with the code for victims of major incidents, the failure does not of itself make that person liable to criminal or civil proceedings.
- (2) But the victims code for victims of major incidents 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.”

## LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

**“Publicly funded legal representation for bereaved people at inquests following a major incident**

- (1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In subsection (1), after “(4)” insert “or (7).”
- (3) After subsection (6), insert –
  - “(7) This subsection is satisfied where –
    - (a) the services consist of advocacy at an inquest where the individual is an interested person pursuant to section 47(2)(a), (b) or (m) of the Coroners and Justice Act 2009 because of their relationship to the deceased, and
    - (b) one or more public authorities are interested persons in relation to the inquest pursuant to section 47(2) of the Coroners and Justice Act 2009 or are likely to be designated as such.
- (8) For the purposes of this section “public authority” has the meaning given by section 6(3) of the Human Rights Act 1998.””

**After Clause 47**BARONESS ROYALL OF BLAISDON  
BARONESS BRINTON

After Clause 47, insert the following new Clause –

**“Licence conditions for serial and serious harm domestic abuse and stalking perpetrators under Multi-Agency Public Protection Arrangements**

- (1) A condition of the release and licence of serial and serious harm domestic abuse and stalking perpetrators is that they must be included in the Multi-Agency Public Protection Arrangements.

- (2) The Criminal Justice Act 2003 is amended as follows.
- (3) In section 325 (arrangements for assessing etc risk posed by certain offenders) –
- (a) in subsection (1), after ““relevant sexual or violent offender” has the meaning given by section 327;” insert ““relevant domestic abuse or stalking perpetrator” has the meaning given in section 327ZA;”;
  - (b) after subsection (2)(a) insert –
 

“(aza) relevant domestic abuse or stalking perpetrators,”.
- (4) After section 327 (Section 325: interpretation) insert –

**“327ZA Interpretation of relevant domestic abuse or stalking perpetrator**

- (1) For the purposes of section 325, a person (“P”) is a “relevant domestic abuse or stalking perpetrator” if P has been convicted of a specified offence or an associate offence and meets either the condition in subsection (2)(a) or the condition in subsection (2)(b).
- (2) For the purposes of subsection (1), the conditions are –
  - (a) P is a relevant serial offender, or
  - (b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.
- (3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.
- (4) In this section –
 

“relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;

“specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in section 1 of the Domestic Abuse Act 2021;

“specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.
- (5) Within 12 months of the day on which the Victims and Prisoners Act 2024 is passed the Secretary of State must commission a review into the operation of the provisions of this section.”

BARONESS ROYALL OF BLAISDON  
BARONESS BRINTON

After Clause 47, insert the following new Clause –

**“Relevant domestic abuse or stalking perpetrators’ register**

- (1) A condition of the release and licence of serial and serious harm domestic abuse and stalking perpetrators is that they are subject to notification requirements in accordance with this section.



- (2) The Sexual Offences Act 2003 is amended as follows.
- (3) In section 80 (persons becoming subject to notification requirements), after subsection (1)(a) insert –
- “(aa) he is a relevant domestic abuse or stalking perpetrator”.

- (4) After section 80, insert the following new Clause –

**“80A Interpretation of relevant domestic abuse or stalking perpetrator**

- (1) A “relevant domestic abuse or stalking perpetrator” under section 80 means a person (P) who has been convicted of a specified offence or an associate offence and meets either condition in subsection (2)(a) or subsection (2)(b).
- (2) For the purposes of subsection (1), the conditions are –
- (a) P is a relevant serial offender, or
- (b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.
- (3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.
- (4) In this section –
- “relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;
- “specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in section 1 of the Domestic Abuse Act 2021;
- “specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.
- (5) Within 12 months of the day on which the Victims and Prisoners Act 2024 is passed the Secretary of State must commission a review into the operation of the provisions of section 80 of this Act.”

**After Clause 48**

LORD CARTER OF HASLEMERE  
LORD MOYLAN

After Clause 48, insert the following new Clause –

**“Imprisonment or detention for public protection: duty to refer to the Parole Board within 28 days following recall**

In section 32 of the Crime (Sentences) Act 1997, after subsection (4), insert –

- “(4A) In the case of a life prisoner sentenced to detention or imprisonment for public protection, the Secretary of State must make a referral under subsection (4) –

- (a) if the life prisoner makes representations under subsection (3)(a) before the end of the period of 28 days beginning with the date on which the life prisoner returns to custody, on the making of those representations, or
- (b) if, at the end of that period, the life prisoner has not been released and has not made such representations, at that time.””

***Member's explanatory statement***

*This amendment mirrors the requirements in place for fixed sentence recalls and requires cases are sent to the Parole Board no later than 28 days after recall to ensure a more prompt review.*



# Victims and Prisoners Bill

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*27 March 2024*

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