

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD WILLS

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

- “(aa) “close family member” includes –
- (i) a husband, wife or civil partner from a marriage or partnership that was in existence at the time of the event;
 - (ii) a child;
 - (iii) a grandchild;
 - (iv) a parent;
 - (v) a sibling;
 - (vi) a half-sibling;
 - (vii) a grandparent;
 - (viii) a niece or nephew;
 - (ix) an aunt or uncle;
 - (x) a cohabitant of the deceased who has acted as a parent or spouse to that person.”

After Clause 15

BARONESS LISTER OF BURTERSETT

After Clause 15, insert the following new Clause –

“Access to services for victims with no recourse to public funds

- (1) Notwithstanding the provisions of any other enactment, a victim of domestic abuse who –
- (a) has leave to enter or remain in the United Kingdom which is subject to a condition that they do not have recourse to public funds,
 - (b) requires leave to enter or remain in the United Kingdom but does not have it, or
 - (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking,

is entitled to be provided with services in accordance with the victims' code.

- (2) The Secretary of State may by regulations make provisions consequential on this section.
- (3) For the purposes of this section, "domestic abuse" has the same meaning as in Section 1 of the Domestic Abuse Act 2020; "victim" has the meaning given by Section 1 of this Act."

Member's explanatory statement

This new clause would ensure that victims of domestic abuse who do not have recourse to public funds are still entitled to be provided with services in accordance with the victims' code.

Clause 28

LORD WILLS

Clause 28, page 29, line 10, at end insert "or has occurred before that date, provided that serious harm to the victims is ongoing after this section comes into force,"

LORD WILLS

Clause 28, page 29, line 14, at end insert ", having appropriate regard to the emotional and financial interests of the victims in such an incident being declared a major incident"

LORD WILLS

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

- “(2A) In this Part, a “major incident” can be either –
- (a) a single event, or
 - (b) a series of events, provided that the events are linked by a common causal factor of negligence, wrong-doing or other failure by a public authority.”

After Clause 38

LORD WILLS

After Clause 38, insert the following new Clause –

“Code of practice: post-mortem process for victims

- (1) The Secretary of State must by regulations publish a code of practice setting out the support to be provided for close family members of a person whose death was the direct result of –
 - (a) criminal conduct, or
 - (b) a major incident as defined in section 28 (meaning of “major incident”), by public authorities responsible for the treatment of bodies of the deceased and for the conduct of the post-mortem process.

- (2) The regulations under subsection (1) must –
- (a) set out in detail how public authorities involved in the post-mortem process and the treatment of bodies of the deceased must –
 - (i) ensure the dignity of the deceased, particularly safeguarding unnecessary exposure of bodies in their preparation and presentation for identification;
 - (ii) prioritise respect for family members, specifically with regard to providing accurate information, without delay, throughout the process;
 - (iii) provide independent bereavement support for family members throughout the post-mortem process;
 - (iv) offer and provide bereavement counselling for family members,
 - (b) establish a protocol for retaining personal records and photographs of the deceased ensuring that access is closely restricted to those who have demonstrable professional responsibility, and
 - (c) prescribe requirements regarding –
 - (i) the post-mortem,
 - (ii) the identification of a deceased person, and
 - (iii) both access to and retention of records and photographswhich safeguard the dignity of the deceased and protect the interests of the family members.
- (3) Public authorities which must abide by the code of practice under subsection (1) include, but are not limited to –
- (a) police,
 - (b) emergency services,
 - (c) hospitals,
 - (d) coroners, and
 - (e) pathologists
- involved at any stage of an investigation into a major incident or criminal conduct.
- (4) The regulations under subsection (1) must be published within six months of the day on which this Act is passed.”

Clause 41

LORD THOMAS OF CWMGIEDD

Clause 41, page 39, line 12, leave out from second “the” to end of line 13 and insert “Divisional Court of the King’s Bench Division”

Clause 42

LORD THOMAS OF CWMGIEDD

Clause 42, page 41, line 6, leave out from second “the” to end of line 7 and insert “Divisional Court of the King’s Bench Division”

Clause 44

LORD THOMAS OF CWMGIEDD

Clause 44, page 45, leave out lines 13 to 15 and insert "a Divisional Court of the King's Bench Division."

Member's explanatory statement

This amendment seeks to ensure that an appeal from a decision of the Parole Board goes to a court comprising judges who are experienced in sentencing those convicted of crime.

LORD THOMAS OF CWMGIEDD

Clause 44, page 45, leave out lines 16 to 18

LORD THOMAS OF CWMGIEDD

Clause 44, page 47, line 16, leave out "Upper Tribunal or High Court" and insert "Divisional Court of the King's Bench Division"

Clause 45

LORD THOMAS OF CWMGIEDD

Clause 45, page 47, leave out lines 36 to 38 and insert "a Divisional Court of the King's Bench Division."

Member's explanatory statement

This amendment seeks to ensure that an appeal from a decision of the Parole Board goes to a court comprising judges who are experienced in sentencing those convicted of crime.

LORD THOMAS OF CWMGIEDD

Clause 45, page 48, leave out lines 1 to 3

LORD THOMAS OF CWMGIEDD

Clause 45, page 49, line 42, leave out "Upper Tribunal or High Court" and insert "Divisional Court of the King's Bench Division"

Clause 46

LORD THOMAS OF CWMGIEDD

Clause 46, page 50, line 12, leave out "Upper Tribunal or High Court" and insert "Divisional Court of the King's Bench Division"

Clause 47

LORD THOMAS OF CWMGIEDD

Clause 47, page 50, line 23, leave out "Upper Tribunal or High Court" and insert "Divisional Court of the King's Bench Division"

Clause 53

LORD THOMAS OF CWMGIEDD

Clause 53, page 54, leave out lines 19 and 20

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.

Clause 54

LORD THOMAS OF CWMGIEDD

Clause 54, page 55, leave out lines 9 to 13

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

Clause 54, page 56, leave out lines 3 to 9

Member's explanatory statement

This amendment seeks to reinstate that the Chair of the Parole Board should be engaged in individual parole cases and play a part in the proceedings of the Parole Board (and otherwise) in relation to individual parole cases.

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