

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 2

LORD BELLAMY

Clause 2, page 2, line 13, after “functions” insert “of a public nature”

Member's explanatory statement

This amendment clarifies that the victims' code issued under Clause 2 is directed at persons exercising functions of a public nature relating to victims or any aspect of the criminal justice system.

LORD BELLAMY

Clause 2, page 2, line 19, after “victims” insert “require”

Member's explanatory statement

This amendment and my other amendments of subsection (3) of Clause 2 clarify the principles that must underpin the victims' code issued under that clause.

LORD BELLAMY

Clause 2, page 2, line 20, leave out “should be provided with”

Member's explanatory statement

This amendment and my other amendments of subsection (3) of Clause 2 clarify the principles that must underpin the victims' code issued under that clause.

LORD BELLAMY

Clause 2, page 2, line 22, leave out “should be able to access” and insert “access to”

Member's explanatory statement

This amendment and my other amendments of subsection (3) of Clause 2 clarify the principles that must underpin the victims' code issued under that clause.

LORD BELLAMY

Clause 2, page 2, line 24, leave out “should have”

Member's explanatory statement

This amendment and my other amendments of subsection (3) of Clause 2 clarify the principles that must underpin the victims' code issued under that clause.

LORD BELLAMY

Clause 2, page 2, line 26, leave out “should be able” and insert “the ability”

Member's explanatory statement

This amendment and my other amendments of subsection (3) of Clause 2 clarify the principles that must underpin the victims' code issued under that clause.

LORD BELLAMY

Clause 2, page 3, line 13, leave out paragraph (c) and insert –

“(8A) The victims' code may make different provision for different areas.”

Member's explanatory statement

This amendment is a drafting change to reflect current practice not to treat provision for different areas as provision for different purposes.

LORD BELLAMY

Clause 2, page 3, line 13, at end insert –

“(8A) In considering whether to exercise the power in subsection (8)(a), the Secretary of State must have regard to the particular needs of victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.”

Member's explanatory statement

This amendment requires the Secretary of State, when considering whether to make different provision in the victims' code for victims of different descriptions, to have regard to the particular needs of victims who are under the age of 18 or who have protected characteristics.

LORD BELLAMY

Clause 2, page 3, line 21, leave out “6” and insert “5”

Member's explanatory statement

This amendment is consequential on my amendments of Clauses 5 to 10.

Clause 3

LORD BELLAMY

Clause 3, page 3, line 28, at end insert –

- “(b) the Commissioner for Victims and Witnesses, and
- (c) the Welsh Ministers.”

Member's explanatory statement

This amendment, together with my amendment of Clause 4, page 4, line 22, requires the Secretary of State to consult the Victims' Commissioner and the Welsh Ministers when preparing or revising the victims' code.

Clause 4

LORD BELLAMY

Clause 4, page 4, line 22, after “Attorney General” insert “, the Commissioner for Victims and Witnesses and the Welsh Ministers”

Member's explanatory statement

This amendment, together with my amendment of Clause 3, page 3, line 28, requires the Secretary of State to consult the Victims' Commissioner and the Welsh Ministers when preparing or revising the victims' code.

Clause 5

LORD BELLAMY

Clause 5, page 4, line 27, at end insert –

- “(A1) Where the victims' code makes provision about a service to be provided to victims by a person, the person must provide the service in accordance with the code unless the person has good reasons not to.
- (A2) Any person who is subject to the duty in subsection (A1) and is not an individual must ensure that procedures are in place by which other persons may complain about an alleged failure to comply with the duty.”

Member's explanatory statement

This amendment requires persons specified in the victims' code to provide services in accordance with it, unless they have good reasons not to, and to have procedures for dealing with complaints.

Clause 6

LORD BELLAMY

Clause 6, page 4, line 38, leave out “victims' code” and insert “duty in section 5(A1)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 6, page 5, line 27, leave out “such” and insert “the Commissioner for Victims and Witnesses and such other”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Victims' Commissioner before making regulations under Clause 6.

After Clause 6

LORD BELLAMY

After Clause 6, insert the following new Clause –

“Arrangements for collection of victims' feedback

- (1) This section applies where the Secretary of State has made arrangements with a person for the collection by the person of information which –
 - (a) relates to the characteristics or experiences of users of services provided by a relevant criminal justice body in a police area, and
 - (b) is collected for the purposes of assessing whether and how those services are provided in accordance with the duty in section 5(A1).
- (2) The Secretary of State and the Attorney General may by a joint direction require the body to provide specified information to the person for the purposes of enabling or assisting the performance of the arrangements.
- (3) A relevant criminal justice body which is directed to provide information under this section must provide it –
 - (a) in such form and manner as may be specified, and
 - (b) at such times or within such periods as may be specified.
- (4) In this section –

“relevant criminal justice body” means a criminal justice body falling within paragraphs (a), (b) or (e) of the definition of “criminal justice body” in section 6(6);

“specified” means specified in the direction.”

Member's explanatory statement

This new clause, to be inserted after Clause 6, requires certain criminal justice bodies to cooperate with persons with whom the Secretary of State has made arrangements for the collection of feedback from victims, if directed to do so.

Clause 7

LORD BELLAMY

Clause 7, page 6, line 4, leave out “victims’ code” and insert “duty in section 5(A1)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 7, page 6, line 22, leave out “such” and insert “the Commissioner for Victims and Witnesses and such other”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Victims’ Commissioner before making regulations under Clause 7.

Clause 8

LORD BELLAMY

Clause 8, page 6, line 37, leave out “victims’ code” and insert “duty in section 5(A1)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 8, page 7, line 26, leave out “such” and insert “the Commissioner for Victims and Witnesses and such other”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Victims’ Commissioner before making regulations under Clause 8.

Clause 9

LORD BELLAMY

Clause 9, page 7, leave out line 40 and insert “duty in section 5(A1).”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 9, page 8, line 23, leave out “such” and insert “the Commissioner for Victims and Witnesses and such other”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Victims' Commissioner before making regulations under Clause 9.

Clause 10

LORD BELLAMY

Clause 10, page 8, line 26, at end insert –

- “(A1) The Secretary of State and the Attorney General, acting jointly, must –
- (a) keep under review the code compliance of the persons mentioned in subsection (1), and
 - (b) annually, prepare and publish a report about the code compliance of those persons in the period to which the report relates.
- (A2) If the Secretary of State and the Attorney General agree that the code compliance of a person mentioned in subsection (1) is unsatisfactory they may –
- (a) if the person is the chief officer of police for a police area, give the elected local policing body for the area a notice setting out their reasons for being of that view;
 - (b) in any other case, give the person a notice setting out their reasons for being of that view.
- (A3) If the Secretary of State and the Attorney General give a notice under subsection (A2) they must –
- (a) if the notice is given under paragraph (a) of that subsection, send a copy of the notice to the chief officer of police to whom the notice relates, and
 - (b) in any case, publish the notice in such form and manner as they consider appropriate.
- (A4) The Secretary of State and the Attorney General must consult the Commissioner for Victims and Witnesses before –
- (a) publishing a report under subsection (A1)(b);
 - (b) giving a notice under subsection (A2).
- (A5) 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 persons mentioned in subsection (1) in the period to which the information relates.”

Member's explanatory statement

This amendment gives the Secretary of State and the Attorney General joint functions in relation to reviewing compliance with the victims' code by police forces and other criminal justice bodies.

The Secretary of State must also publish certain information in relation to the code compliance of such bodies.

LORD BELLAMY

Clause 10, page 8, leave out lines 27 to 29 and insert –

“(1) The persons are –”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 10, page 8, line 26.

LORD BELLAMY

Clause 10, page 8, line 33, leave out “these purposes” and insert “the purposes of this section”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 10, page 8, line 26.

LORD BELLAMY

Clause 10, page 8, line 35, at end insert “, or information collected under arrangements mentioned in section (*Arrangements for collection of victims' feedback*)”

Member's explanatory statement

This amendment is consequential on my new Clause to be inserted after Clause 6.

LORD BELLAMY

Clause 10, page 8, line 36, leave out from “is” to end of line 39 and insert “whether and how the services provided by the person in the relevant area are provided in accordance with the duty in section 5(A1).”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 10, page 9, line 3, at end insert –

- “(3A) The first report under paragraph (b) of subsection (A1) may relate to any 12 month period that includes the day on which that paragraph comes into force.
- (3B) Subsequent reports must relate to the 12 month period immediately following the 12 month period to which the previous report relates.
- (3C) The Secretary of State must lay each report before Parliament.”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 10, page 8, line 26.

LORD BELLAMY

Clause 10, page 9, line 4, after “Information” insert “or a report”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 10, page 8, line 26.

LORD BELLAMY

Clause 10, page 9, line 9, leave out “(1)(a)” and insert “(A5)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 10, page 8, line 26.

Clause 11

LORD BELLAMY

Clause 11, page 9, line 23, leave out “children or individuals” and insert “individuals who are under the age of 18 or”

Member's explanatory statement

This amendment replaces a reference to “children” with a reference to under-18s.

LORD BELLAMY

Clause 11, page 9, line 34, leave out “such” and insert “the Commissioner for Victims and Witnesses and such other”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Victims' Commissioner before issuing guidance under Clause 11 on raising awareness of, and reviewing compliance with, the victims' code.

Clause 12

THE LORD BISHOP OF MANCHESTER
BARONESS LISTER OF BURTERSETT
LORD RUSSELL OF LIVERPOOL

Clause 12, page 11, line 2, at end insert –

“(10) The Secretary of State must issue guidance defining the full breadth of specialist community-based support domestic abuse services.”

Member's explanatory statement

This amendment places a duty on the Secretary of State to define the breadth of specialist community-based support domestic abuse services. This would ensure victims receive quality support that meets their needs and be made aware of the variety of community-based support available to them.

Clause 13

LORD BELLAMY

Clause 13, page 11, line 27, leave out “children or” and insert “under the age of 18 or who”

Member's explanatory statement

This amendment replaces a reference to “children” with a reference to under-18s.

THE LORD BISHOP OF MANCHESTER
LORD RUSSELL OF LIVERPOOL

Clause 13, page 11, line 28, at end insert –

- “(4A) The Secretary of State must have regard to the needs assessments identified under subsection (3) to ensure that “the relevant authorities”, as defined in section 12(2), are able to effectively commission “relevant victim support services”, as defined in section 12(5).”

Member's explanatory statement

This amendment would require the Secretary of State to address the funding gaps identified by Joint Strategic Needs Assessments and support local authorities, Integrated Care Boards and Police and Crime Commissioners to deliver their duties under the Duty to Collaborate.

Clause 14THE LORD BISHOP OF MANCHESTER
LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 6, at end insert –

- “(2A) Guidance issued under this section must include recommendations for best practice on sustainable contract terms, with particular regard to length of contracts of at least three years (unless it would not be necessary or proportionate to do so), where services have been commissioned as part of the strategies prepared under section 13.”

Member's explanatory statement

This amendment would require the Secretary of State to include within statutory guidance advice on sustainable, multi-year contract terms where these are possible and proportionate to provide.

Clause 15

LORD BELLAMY

Clause 15, page 12, line 31, leave out “children or” and insert “under the age of 18 or who”

Member's explanatory statement

This amendment replaces a reference to “children” with a reference to under-18s.

LORD BELLAMY

Clause 15, page 12, line 39, at end insert –

- “(8) The Secretary of State must consult the Welsh Ministers before issuing guidance under this section, so far as the guidance relates to a matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers about guidance to be issued under Clause 15, so far as it relates to a matter provision about which would be in the legislative competence of Senedd Cymru.

After Clause 15

LORD BELLAMY

After Clause 15, insert the following new Clause –

“Disclosures by victims that cannot be precluded by agreement

- (1) A provision in an agreement is void in so far as it purports to preclude the making of a disclosure falling within subsection (2).
- (2) A disclosure falls within this subsection if it is a disclosure of information that is made by a victim or a person who reasonably believes they are a victim –
 - (a) to any person who has law enforcement functions, for the purpose of those functions being exercised in relation to relevant conduct;
 - (b) to a qualified lawyer, for the purpose of seeking legal advice about relevant conduct;
 - (c) to any individual who is entitled to practise a regulated profession, for the purpose of obtaining professional support in relation to relevant conduct;
 - (d) to any individual who provides a service to support victims, for the purpose of obtaining support from that service in relation to relevant conduct;
 - (e) to a regulator of a regulated profession for the purpose of co-operating with the regulator in relation to relevant conduct;

- (f) to a person who is authorised to receive information on behalf of a person mentioned in paragraph (a), (b), (c), (d) or (e) for the purpose mentioned in that paragraph;
 - (g) to a child, parent or partner of the person making the disclosure, for the purpose of obtaining support in relation to relevant conduct.
- (3) But a provision in an agreement is not void by virtue of subsection (1) so far as it purports to preclude a disclosure made for the primary purpose of releasing the information into the public domain.
- (4) The Secretary of State may by regulations amend this section –
- (a) to add, remove or modify a description of disclosure in relation to which subsection (1) applies (“a permitted disclosure”);
 - (b) to extend the application of subsection (1) to a provision in an agreement which purports to impose an obligation or liability in connection with a permitted disclosure.
- (5) But regulations under subsection (4)(a) must not make any provision which would apply subsection (1) in relation to a disclosure –
- (a) made by a person other than a victim or a person who reasonably believes they are a victim, or
 - (b) that does not relate to relevant conduct.
- (6) In this section –
- “entitled to practise”, in relation to a regulated profession, is to be read in accordance with section 19(2) of the Professional Qualifications Act 2022;
 - “law enforcement functions” means functions for the purposes of the investigation or prosecution of criminal offences or the execution of criminal penalties;
 - “partner”: a person is a “partner” of another person if they are married to each other, in a civil partnership with each other or in an intimate personal relationship with each other which is of significant duration;
 - “qualified lawyer” means a person who is an authorised person in relation to a reserved legal activity for the purposes of the Legal Services Act 2007;
 - “regulated profession” and “regulator” have the same meanings as in the Professional Qualifications Act 2022 (see section 19 of that Act);
 - “relevant conduct” means conduct by virtue of which the person making the disclosure is or reasonably believes they are a victim (see section 1(1) and (2)).”

Member's explanatory statement

This new clause, to be inserted after Clause 15, would make a provision of an agreement void if it purports to preclude a victim from making certain types of disclosure, unless the disclosure was made in order to release the information into the public domain.

Clause 16

LORD BELLAMY

Clause 16, page 13, line 22, after “step” insert “of any kind”

Member's explanatory statement

This amendment clarifies the extent of the restrictions placed on an offender with respect to a child by a prohibited steps order made under new section 10A of the Children Act 1989.

LORD BELLAMY

Clause 16, page 13, line 29, at end insert –

“(za) making the order is prohibited by section 29(3) of the Adoption and Children Act 2002,”

Member's explanatory statement

This amendment means that the Crown Court must not make a prohibited steps order under new section 10A of the Children Act 1989 with respect to a child who is the subject of a placement order under section 21 of the Adoption and Children Act 2002.

After Clause 17

LORD BELLAMY

After Clause 17, insert the following new Clause –

“Victim representations to mental health tribunals

- (1) Chapter 2 of Part 3 of the Domestic Violence, Crime and Victims Act 2004 (victims’ rights to make representations and receive information) is amended as follows.
- (2) In section 37(8)(c)(i), for “that area” substitute “that local probation board”.
- (3) After section 37 insert –

“37ZA Victim impact statements where restriction order made

- (1) This section applies if, in a case where section 37 applies, an application or reference mentioned in subsection (5) of that section is made to the First-tier Tribunal or the Mental Health Review Tribunal for Wales.
- (2) The relevant probation body –
 - (a) must take all reasonable steps to ascertain whether a person who appears to the body to be the victim of the offence or to act for the victim of the offence wishes to provide a victim impact statement to the body, and
 - (b) if the person provides such a statement, must forward it to the tribunal.

- (3) Where a victim impact statement has been forwarded to the tribunal under subsection (2), the tribunal must –
 - (a) allow the person who made the statement to request permission to read the statement to the tribunal at a relevant hearing, and
 - (b) grant such permission unless the tribunal considers that there are good reasons not to.
- (4) The tribunal may have regard to the statement when determining a matter specified in section 36(5)(a) or (b) (but must not have regard to it for any other purpose).
- (5) In this section –
 - “relevant hearing” means any hearing held by the tribunal before making a decision which disposes of proceedings on the application or reference mentioned in subsection (1);
 - “the relevant probation body” has the meaning given in section 37(8);
 - “victim impact statement” means a statement about the way in which, and degree to which, the offence has affected and (as the case may be) continues to affect the victim or any other person.”

Member's explanatory statement

This amendment makes provision for victims of certain serious offences, where the offender is subject to a hospital order with a restriction order, to provide a "victim impact statement" to a tribunal which is considering certain matters in relation to the discharge of the offender.

Clause 18

LORD BELLAMY

Clause 18, page 17, line 17, at end insert –

- “(za) in subsection (1)(c), for “section 32” substitute “section 2 of the Victims and Prisoners Act 2024, including the extent to which the duty in section 5(A1) of that Act (duty to provide services in accordance with the code) is being complied with”;

Member's explanatory statement

This amendment requires the Victims' Commissioner to keep under review compliance with the victims' code (see my amendment of Clause 5, page 4, line 27).

After Clause 25

LORD BELLAMY

After Clause 25, insert the following new Clause –

“Child victims of domestic abuse

- (1) The Domestic Abuse Act 2021 is amended as follows.

- (2) After section 49 insert –

“Notifying schools etc if child is suspected victim of domestic abuse

49A Arrangements to notify schools etc

- (1) A chief officer of police of a police force maintained for a police area must ensure that arrangements are in place to secure the objective in subsection (2).
- (2) The objective is that, if a member of the force has reasonable grounds to believe that a child who resides in the police area may be a victim of domestic abuse, any relevant educational establishment is notified as soon as is reasonably practicable except in such circumstances as may be specified in regulations made by the Secretary of State.
- (3) For the purposes of this section, each of the following is a relevant educational establishment in relation to a child –
 - (a) a school at which the child is a registered pupil;
 - (b) if the child is not a registered pupil at a school –
 - (i) if the child is receiving education at only one educational establishment, that establishment;
 - (ii) if the child is receiving education at more than one educational establishment, such one or more of those establishments as is determined in accordance with the arrangements in place under subsection (1) for the police area in which the child resides.
- (4) In this section –

“child” means a person under the age of 18 years;

“educational establishment” means –

 - (a) a school in England or Wales;
 - (b) an institution within the further education sector, within the meaning given by section 91(3) of the Further and Higher Education Act 1992;
 - (c) in relation to England, a 16 to 19 Academy, within the meaning given by section 1B of the Academies Act 2010;

“registered pupil”, in relation to a school, has the meaning given by section 434 of the Education Act 1996;

“school” has the meaning given by section 4 of the Education Act 1996.

49B Power to extend section 49A to childcare providers

- (1) The Secretary of State may by regulations amend section 49A so that the objective in subsection (2) of that section applies in relation to childcare providers, or childcare providers of particular descriptions, as it applies in relation to relevant educational establishments.
- (2) In this section –

“childcare” –

- (a) in relation to England, has the meaning given by section 18 of the Childcare Act 2006;
- (b) in relation to Wales, means anything that amounts to child minding or day care for children for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (see section 19(2) to (5) of that Measure);

“childcare provider” means –

- (a) in relation to England, a person who provides childcare –
 - (i) in respect of which the person is registered under Part 3 of the Childcare Act 2006,
 - (ii) in respect of which the person would, but for section 34(2) or 53(2) of that Act, be required to be registered under Chapter 2 or 3 of Part 3 of that Act, or
 - (iii) in respect of which the person would, but for section 63(3) of that Act, be able to be registered under Chapter 4 of Part 3 of that Act;
- (b) in relation to Wales, a person who provides childcare in respect of which the person is registered under Part 2 of the Children and Families (Wales) Measure 2010.”

- (3) In the italic heading before section 50, for “and orders” substitute “, orders and notification arrangements”.
- (4) In section 56 (interpretation of Part 3), in subsection (4), after paragraph (b) insert –
 - “(c) section 3 (children as victims of domestic abuse).”
- (5) In section 87 (regulations), in subsection (6), after paragraph (a) insert –
 - “(aa) regulations under section 49B.”

Member's explanatory statement

This amendment requires police chiefs to ensure that arrangements are in place for relevant schools and colleges to be notified if a member of the force has reasonable grounds to believe that a child who resides in the police area may be a victim of domestic abuse.

Clause 27

LORD BELLAMY

Clause 27, page 28, line 36, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27 and Clause 18, page 17, line 17.

LORD BELLAMY

Clause 27, page 29, line 1, leave out “each of subsections (2)(a) and (3)(a)” and insert “subsection (2)(a)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

LORD BELLAMY

Clause 27, page 29, line 3, at end insert –

- “(ii) in subsection (3)(a), for “required to do anything under the code issued under section 32” substitute “who is subject to the duty in section 5(A1) of the Victims and Prisoners Act 2024 (duty to provide services in accordance with victims’ code)”.”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 5, page 4, line 27.

After Clause 48

LORD BLUNKETT

After Clause 48, insert the following new Clause –

“Review: impact of section 48 on rehabilitation periods for offenders with prior unspent convictions under the Rehabilitation of Offenders Act 1974

- (1) Within one year of the passing of this Act, the Secretary of State must publish a review of the impact of provisions in section 48 on rehabilitation periods for offenders with prior unspent convictions set out in the Rehabilitation of Offenders Act 1974 (“the ROA 1974”).
- (2) The Secretary of State must consult such persons they consider appropriate in preparing the review under subsection (1).
- (3) The review under subsection (1) must include recommendations to amend the ROA 1974 as necessary in the Secretary of State’s view in the light of changes made to IPP licenses by section 48 of this Act.
- (4) The review under subsection (1) must be laid before both Houses of Parliament for debate.”

Clause 59

LORD BELLAMY

Clause 59, page 59, line 8, at end insert—

“(2A) A statutory instrument containing regulations made by the Secretary of State under section (*Disclosures by victims that cannot be precluded by agreement*) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

*This amendment provides for regulations made under clause (*Disclosures by victims that cannot be precluded by agreement*) (inserted by my amendment after Clause 15) to be subject to the affirmative resolution procedure.*

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