

Victims and Prisoners Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD RUSSELL OF LIVERPOOL

Clause 1, page 1, line 14, at end insert “, including the death by homicide of a British national outside the United Kingdom”

Member's explanatory statement

This amendment would provide bereaved victims of homicide abroad with the same support given to victims of homicide within the UK in recognition of the distress they experience and which is exacerbated by having to deal with the criminal justice systems of foreign jurisdictions.

LORD RUSSELL OF LIVERPOOL

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

- “(e) where the person has experienced anti-social behaviour, as defined by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (meaning of “anti-social behaviour”), and the conditions necessary for an anti-social behaviour (ASB) case review under section 104 of that Act (review of response to complaints) have been met.”

Member's explanatory statement

This amendment would ensure victims of persistent anti-social behaviour have access to victim support services provided by local Police and Crime Commissioners. These services are only available to victims as defined by the Victims' Code of Practice.

Clause 2

BARONESS GOHIR

Clause 2, page 2, line 27, at end insert “, including a decision to charge anything fewer than all alleged perpetrators in instances where there are more than one.”

Clause 6

BARONESS BRINTON

Clause 6, page 4, line 38, at end insert –

- “(c) make such arrangements, including arrangements with specialist third parties, as the body considers necessary to ensure that personnel involved in the body’s provision of those services receive training which is adequate (as regards its content and frequency) in relation to violence against women and girls, including (but not limited to) training in respect of –
- (i) controlling or coercive behaviour,
 - (ii) economic abuse,
 - (iii) stalking,
 - (iv) technology-facilitated abuse, and
 - (v) the impact of trauma on victims of violence against women and girls.”

Member's explanatory statement

This amendment requires each criminal justice body to make arrangements to provide adequate training concerning violence against women and girls to personnel to support them in undertaking their work to promote awareness of the victim’s code and deliver their service in line with the victim’s code.

Clause 12

LORD RUSSELL OF LIVERPOOL

Clause 12, page 10, line 26, at end insert –

- “(d) stalking.”

Clause 13

LORD RUSSELL OF LIVERPOOL

Clause 13, page 11, line 36, at end insert –

- “(8) The Secretary of State must, in relation to the strategy prepared under subsection (1), make a statement to Parliament every three years on support for victims of domestic abuse, sexual violence, and stalking, including –
- (a) volume of current provision,
 - (b) levels of need, including a breakdown of demographics, including victims with protected characteristics, and
 - (c) investment.
- (9) The Secretary of State must ensure that sufficient funding is provided annually to ensure that the relevant authorities are able to commission relevant victim

support services, as defined in section 12 (duty to collaborate in exercise of victim support functions).

- (10) The Secretary of State must provide a single dedicated cross-government funding stream in England and Wales for “by and for” services working with victims and survivors of domestic abuse to deliver services and build capacity.
- (11) For the purposes of this section, “by and for” services means services which—
- (a) are provided by organisations that are designed for, and delivered by, people who are the most marginalised and minoritised at a societal level, namely, Black and minoritised ethnic, LGBT+, deaf and disabled victims and survivors of domestic abuse,
 - (b) are rooted in the community they serve,
 - (c) may include wrap-around holistic recovery and support that addresses a victim or survivor’s full range of intersecting needs, beyond purely domestic abuse support, and
 - (d) are operating at a national or local level.”

Clause 14

LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 2, at end insert “, including, in relation to section 13(10), specific guidance concerning—

- (a) a clear set of principles, from consultation with “by and for” organisations to guide the application and allocation of funding for funding under section 13(10);
- (b) the conditions under which “by and for” organisations which do not have specialism in domestic abuse service provision are eligible to apply for funding under section 13(10).”

Member's explanatory statement

This amendment, in conjunction with one other in the name of Lord Russell of Liverpool, would require the Secretary of State to issue guidance with a clear set of principles to guide the application and allocation of funding for funding for “by and for” services and the conditions under which “by and for” organisations are eligible for such funding. The guidance would be prepared in consultation with “by and for” organisations.

LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 6, at end insert “, including—

- (a) the Domestic Abuse Commissioner,
- (b) the Victims Commissioner,
- (c) the Children’s Commissioner,
- (d) specialists in the domestic abuse, sexual violence and stalking sector, and
- (e) specialists in the “by and for” domestic abuse, sexual violence and stalking sector, as defined in section 13(11).”

Member's explanatory statement

This amendment, in conjunction with one other in the name of Lord Russell of Liverpool, would require the Secretary of State to consult specific stakeholders, including “by and for” services.

Clause 16

BARONESS CHAKRABARTI

Clause 16, page 14, line 18, leave out “or manslaughter” insert “, manslaughter or sexual offence”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, add a sexual offence against a child in the family to the murder or manslaughter of another parent as grounds for requiring a Crown Court to make a prohibited steps order protecting the children of an offender on sentencing.

After Clause 26

BARONESS MORGAN OF COTES
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

After Clause 26, insert the following new Clause –

“Victims’ rights in relation to data

- (1) The UK GDPR is amended as follows.
- (2) In Article 21 (right to object), after paragraph 1, insert –
 - “1A. The data subject shall have the right to object on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her, or a third party where that party is a child for whom they have parental responsibility, which is based on points (a) to (f) of Article 6(1), including profiling based on those provisions, if exceptional circumstances apply.
 - 1B. The exceptional circumstances mentioned in paragraph 1A are –
 - (a) that the processing of the data was connected to, or reliant upon, conduct which could reasonably be suspected to constitute a criminal offence, or
 - (b) that the processing of the data was connected to, or reliant upon, conduct which could reasonably be considered as being intended to cause harassment, alarm or distress to the data subject or another living individual.
 - 1C. The Secretary of State may by regulations subject to the affirmative resolution procedure prescribe other exceptional circumstances where the right to object mentioned in paragraph 1A applies.”

- (3) In Article 17 (right to erasure (“right to be forgotten”)), after paragraph 1(c), insert –
 “(ca) the data subject objects to the processing pursuant to Article 21(1A).””

Member's explanatory statement

This amendment would allow victims of third party harassment to request the deletion of any personal data which was gathered or held as part of activity which could be considered criminal conduct. The aim of this amendment is to prevent third party reporting from causing ongoing distress to victims.

After Clause 27

BARONESS BRINTON

After Clause 27, insert the following new Clause –

“Duty to inform victims and families of the unduly lenient sentencing scheme

After section 36 of the Criminal Justice Act 1988, insert –

“36A Duty to inform victims and families of the unduly lenient sentencing scheme

- (1) The Secretary of State must nominate a government department to inform victims and their families of their rights set out in section 36 (reviews of sentencing).
- (2) The information provided under subsection (1) must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.””

Member's explanatory statement

This amendment will ensure that victims are aware of the Unduly Lenient Sentencing scheme which presently has a strict 28-day timeframe in which to apply, there being no power to extend the time.

BARONESS BRINTON

After Clause 27, insert the following new Clause –

“Unduly lenient sentences: time limit

In paragraph 1 of Schedule 3 of the Criminal Justice Act 1988, at end insert “, subject to paragraph 1A.

- (1A) The time limit of 28 days shall be extended in exceptional circumstances, which may include but not be limited to a failure of the relevant body to inform the victim and families of their rights under section 36 (reviews of sentencing).””

Member's explanatory statement

This amendment would allow for the 28-day timeframe to be extended in exceptional circumstances, and prompt criminal justice agencies to meet their obligation to inform of their rights and the tight time limit.

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