

Victims and Prisoners Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction motion tabled for 15th April 2024, in anticipation of its agreement, as follows –

Clauses 1 to 42	Clauses 43 to 62
Schedule	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD RUSSELL OF LIVERPOOL
LORD POLAK
LORD HAMPTON

1 Clause 1, page 1, line 5, leave out “a person” and insert “any adult or child”

LORD RUSSELL OF LIVERPOOL
BARONESS BUTLER-SLOSS

2 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 PONSONBY OF SHULBREDE
BARONESS BRINTON

3 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, and

the conditions necessary for an ASB case review under section 104 of that Act have been met.”

Member's explanatory statement

This amendment would include victims of long-term anti-social behaviour in the statutory definition of a victim.

LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

4 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
THE LORD BISHOP OF MANCHESTER
BARONESS BRINTON

5 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 RUSSELL OF LIVERPOOL

6 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.

BARONESS BRINTON

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

“(2A) In subsection (2)(a), direct experience of criminal conduct includes where a parent, guardian or other person has responsibility for the subsequent care of a person who –

- (a) when they were under the age of 18, was the victim of a serious sexual or violent crime, or
- (b) is an adult at risk of harm who is the victim of a serious sexual or violent crime.”

Member's explanatory statement

This amendment extends the definition of a victim under Part 1 to include people who support and provide care for victims of serious sexual and violent crimes.

LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF MANCHESTER
BARONESS BENJAMIN
BARONESS BRINTON

8 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 2

LORD BELLAMY

9 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

10 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

11 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

12 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.

BARONESS COUSSINS
LORD PONSONBY OF SHULBREDE
BARONESS BENJAMIN
LORD MARKS OF HENLEY-ON-THAMES

- 13 Clause 2, page 2, line 23, after “services” insert “, including professionally qualified interpreters and translators”

LORD BELLAMY

- 14 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

- 15 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.

BARONESS GOHIR

- 16 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.”

BARONESS FOX OF BUCKLEY

- 17★ Clause 2, page 2, line 27, at end insert –

“(e) should be able to secure access to support from an individual of the same sex as registered at birth and women-only support service provision should be confined to those registered women at birth.”

BARONESS FOX OF BUCKLEY

- 18 Clause 2, page 2, line 27, at end insert –

“(3A) The victims' code must –

- (a) require criminal justice bodies to take all reasonable steps to identify and record any change of gender by a perpetrator, and
 - (b) require criminal justice bodies to inform a relevant victim when a perpetrator changes their gender.
- (3B) For the purposes of subsection (3A) –
- “perpetrator” means a person whose conduct or alleged conduct results in another person being a victim as defined by section 1 of this Act;
 - “relevant victim” means a person who becomes a victim as a result of the perpetrator’s conduct.”

BARONESS BRINTON

19★ Clause 2, page 2, line 36, at end insert –

- “(5A) Regulations under subsection (4) must make provision for a person to be able to obtain free of charge, on request, a transcript of the court’s summing up and sentencing remarks from a trial in which –
- (a) the person was a victim of a crime, and
 - (b) that crime is tried in a court where the hearing is recorded.”

Member's explanatory statement

This amendment will provide all victims with a right to free transcripts of the sentencing remarks and the judge’s summing up where the trial takes place in a court where the hearing is recorded.

LORD BELLAMY

20 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

21 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

22 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.

BARONESS CHAKRABARTI

23 Leave out Clause 2 and insert the following new Clause –

“The victims’ code

- (1) Schedule (*The victims’ code*) to this Act contains the code of practice as to the services to be provided to victims by persons having functions relating to –
 - (a) victims, or
 - (b) any aspect of the criminal justice system.
- (2) In this Part, the “victims’ code” means the code of practice in Schedule (*The victims’ code*) as from time to time amended by way of subsection (4) below.
- (3) The victims’ code shall make provision for services which reflect the principles that victims –
 - (a) must be provided with information to help them understand the criminal justice process;
 - (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 criminal justice process;
 - (d) must be able to challenge decisions which have a direct impact on them.
- (4) The Secretary of State may amend the victims’ code by way of regulations made by statutory instrument.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) But the Secretary of State may make regulations under subsection (4) only if satisfied that such amendment would not result in a significant –
 - (a) reduction in the quality or extent of the services provided in accordance with the victims’ code, or
 - (b) restriction in the description of persons to whom services are provided in accordance with the victims’ code.
- (7) The victims’ code may restrict or vary the application of its provisions to –
 - (a) victims of specified descriptions (including those who are victims by virtue of specific conduct or conduct constituting specified offences);
 - (b) specified persons who have functions of the kind mentioned in subsection (1).

- (8) The victims' code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons –
- (a) instead of the victim (for example, where the victim has died), or
 - (b) as well as the victim.
- (9) The victims' code 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);
 - (c) different areas.
- (10) The victims' code may not require anything to be done by a person acting in –
- (a) a judicial capacity, or on the instructions of or on behalf of such a person;
 - (b) the discharge of a prosecution function, if that function involves the exercise of a discretion.
- (11) In this section, “specified” means specified in the victims' code.”

Member's explanatory statement

This amendment places the victims' code on a firmer statutory footing as a Schedule to the Bill, amendable by regulations subject to the affirmative procedure. Another amendment in my name adds the Schedule referred to in this new clause.

Clause 3

BARONESS CHAKRABARTI

- 24 Clause 3, page 3, line 28, at end insert “and the Commissioner for Victims and Witnesses”

Member's explanatory statement

This refers to the duty on the Secretary of State to prepare a draft Victims' Code. The Victims' Commissioner has a statutory duty to “review the operation” of the Victims Code. The amendment would put a statutory duty on the Secretary of State to consult the Commissioner when making any changes to the victims' code or issuing any statutory guidance relating to it.

LORD BELLAMY

- 25 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.

BARONESS CHAKRABARTI

- 26 Clause 3, page 3, line 34, after “General” insert “and the Commissioner for Victims and Witnesses”

Member's explanatory statement

This refers to the duty of the Secretary of State to consider any representations made in relation to the drafting of the victims' code in consultation with the Attorney General.

BARONESS CHAKRABARTI

- 27 Leave out Clause 3 and insert the following new Clause –

“Amending the victims’ code

- (1) This section applies in relation to any amendment to the code of practice under section (*The victims' code*).
- (2) The Secretary of State may prepare a draft amendment to the code.
- (3) The Secretary of State must consult the Attorney General and the Commissioner for Victims and Witnesses.
- (4) After preparing the draft the Secretary of State must –
 - (a) publish the draft;
 - (b) specify a period during which representations about the draft may be made to the Secretary of State.
- (5) The Secretary of State must –
 - (a) consider, in consultation with the Attorney General and the Commissioner for Victims and Witnesses, any representation about the draft made to the Secretary of State before the end of the period specified in accordance with subsection (4)(b);
 - (b) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (6) After carrying out the duties under subsection (5), the Secretary of State must lay the draft code before Parliament.
- (7) The draft code does not come into force until it has been approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment, and the amendment to leave out Clause 4 in the name of Baroness Chakrabarti, alters the procedure for amending the victims' code to require formal consultation with the Commissioner for Victims and Witnesses and affirmative parliamentary procedure in cases of non-minor amendments and negative procedure in the case of minor amendments.

Clause 4

LORD BELLAMY

- 28 Clause 4, page 4, line 22, after “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.

BARONESS CHAKRABARTI

- 29 Clause 4, page 4, line 22, after “General” insert “and the Commissioner for Victims and Witnesses”

Member's explanatory statement

This refers to the duty on the Secretary of State to consult the Attorney General on any revisions to the victims' code.

BARONESS CHAKRABARTI

- 30 Leave out Clause 4 and insert the following new Clause –

“Minor amendments to the victims' code

- (1) The procedure in section (*Amending the victims' code*) applies to a revision of the victims' code except that, if the Secretary of State considers that all of the revisions are minor, the procedure in subsection (3) may be used instead.
- (2) Revisions are minor if –
 - (a) they make corrections or clarifications, or
 - (b) they are consequential on changes to the law, practice or procedure relating to any aspect of the criminal justice system.
- (3) The procedure in this subsection is that the Secretary of State must –
 - (a) consult the Attorney General and the Commissioner for Victims and Witnesses about the proposed revisions,
 - (b) lay a draft of the revised code before Parliament, and
 - (c) if the draft code has not been subject to annulment in pursuance of a resolution of either House of Parliament within 40 days it being laid, bring it into operation on such day as the Secretary of State appoints by regulations.”

Member's explanatory statement

This amendment, and another to leave out Clause 3 in the name of Baroness Chakrabarti, alters the procedure for amending the victims' code to require formal consultation with the

Commissioner for Victims and Witnesses and affirmative parliamentary procedure in cases of non-minor amendments and negative procedure in the case of minor amendments.

Clause 5

LORD BELLAMY

31 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.

BARONESS CHAKRABARTI

32 Leave out Clause 5 and insert the following new Clause –

“Effect of non-compliance

- (1) If a person fails to act in accordance with the victims’ code, save for under subsection (4) to (7) below, the failure does not of itself make that person liable to criminal or civil proceedings.
- (2) But the victims’ code 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.
- (3) Further, the Commissioner for Victims and Witnesses may seek to enforce compliance with the code subject to the procedure set out below.
- (4) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims’ code*)(1) has failed adequately to comply with the victims’ code and having consulted with that person, they may –
 - (a) issue a notice of general guidance that is not specific to a particular victim, to that person or to all persons with similar functions as to how to improve compliance with the relevant aspect of the victims’ code, and
 - (b) having allowed a reasonable time for the relevant person to comply with the notice, publish that notice including any additional views on the delayed compliance or non-compliance with it.

- (5) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims' code*)(1) has failed adequately to comply with a notice issued under subsection (4)(a) or (b) –
- (a) they may apply to an appropriate court or tribunal for enforcement of that notice, and
 - (b) where having consulted the relevant class of victims, they are of the view that non-compliance with the victims' code also constitutes a breach of the Human Rights Act 1998 or the Equality Act 2010, they may bring proceedings for such a breach or breaches.
- (6) In subsection (5)(a) “appropriate court or tribunal” means such a court or tribunal as may be determined in accordance with rules.
- (7) In subsection (5)(b) proceedings against an authority include a counterclaim or similar proceeding.
- (8) Where a court or tribunal is of the view that it would be in the interests of justice to do so, it must issue appropriate relief as is within its jurisdiction for non-compliance with the Commissioner for Victims and Witnesses' notice and the victims' code.”

Member's explanatory statement

This amendment gives the Commissioner for Victims and Witnesses an additional role in seeking to ensure compliance with the victims' code by issuing general notices and publishing these in the event of non-compliance. These may be further enforced by the bringing of legal proceedings and/or proceedings under the Human Rights Act or Equality Act. However it does not allow specific notices in relation to particular victims.

Clause 6

LORD BELLAMY

- 33 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.

BARONESS BRINTON

- 34 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.

LORD BACH
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

35 Clause 6, page 5, line 25, at end insert –

“(4A) Regulations under subsection (2) must require information about compliance with the victims' code to be linked to a consistent victim identifier that is used across the agencies of the criminal justice system.”

Member's explanatory statement

This amendment would allow for the creation of a unique identifier for victims in the criminal justice system which would be linked to information on compliance to the victims' code.

LORD BELLAMY

36 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

37 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

38 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

39 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

40 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

- 41 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

- 42 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

- 43 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

- 44 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

- 45 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 RUSSELL OF LIVERPOOL

- 46★ Clause 10, page 8, line 27, leave out “publish such compliance information” and insert “provide, annually, the Commissioner for Victims and Witnesses with compliance information provided to the Secretary of State under section 7(2)(a), 8(5)(a) or 9(4)(b).”

Member's explanatory statement

The Bill requires the Secretary of State to prepare an assessment of Code compliance. This amendment passes responsibility for this assessment from the Secretary of State to the Victims Commissioner and stipulates the assessment needs to be annual. The purpose is to ensure Code compliance is subject to independent scrutiny.

LORD RUSSELL OF LIVERPOOL

- 47★ Clause 10, page 8, line 32, at end insert—
- “(1A) The Commissioner for Victims and Witnesses must publish such compliance information, and their assessment thereof, annually.”

Member's explanatory statement

The Bill requires the Secretary of State to prepare an assessment of Code compliance. This amendment passes responsibility for this assessment from the Secretary of State to the Victims Commissioner and stipulates the assessment needs to be annual. The purpose is to ensure Code compliance is subject to independent scrutiny.

LORD BELLAMY

- 48 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

- 49 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

- 50 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

- 51 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

52 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

53 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

54 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.

BARONESS CHAKRABARTI

55 Clause 11, page 9, line 33, after “consult” insert “the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and any other”

Member's explanatory statement

This refers to the Secretary of State’s duty to issue guidance on the collaboration of agencies (police, NHS and local authorities) “in exercise of victims support functions” in respect of victims of domestic abuse, serious violent offences and sexual offences. The clause as currently drafted requires the Secretary of State only to consult persons they considers to be appropriate. This amendment would require them to consult with the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and the Commissioner for Children.

LORD BELLAMY

56 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.

After Clause 11

BARONESS THORNTON
BARONESS BRINTON

57 After Clause 11, insert the following new Clause –

“Duty to co-operate with Commissioner for Victims and Witnesses

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of monitoring compliance with the victims’ code.
- (2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section “specified public authority” means any of the following –
 - (a) a criminal justice body, as defined by section 6(6);
 - (b) the Parole Board;
 - (c) an elected local policing body;
 - (d) the British Transport Police Force;
 - (e) the Ministry of Defence Police.
- (4) The Secretary of State may by regulations amend this section so as to –
 - (a) add a public authority as a specified public authority for the purposes of this section;
 - (b) remove a public authority added by virtue of subsection (4)(a);
 - (c) vary any description of a public authority.”

Member's explanatory statement

This amendment would create a duty for specified public authorities to collaborate with the Victims and Witnesses Commissioner.

LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

58 After Clause 11, insert the following new Clause –

“Training: support for victims

- (1) The Secretary of State must publish and implement, in consultation with the Commissioner for Victims and Witnesses, a strategy for providing mandatory training on the contents and application of the victims’ code for relevant staff of the following organisations –
 - (a) the police,
 - (b) the Crown Prosecution Service,
 - (c) probation services,
 - (d) the Foreign, Commonwealth & Development Office,
 - (e) health and social services,

- (f) victim support services,
 - (g) maintained and independent schools and colleges of further education, and
 - (h) such other bodies as the Secretary of State deems appropriate.
- (2) The strategy under subsection (1) must be reviewed and updated every three years.”

Member's explanatory statement

To ensure justice agencies responsible for giving effect to the Victims Code are properly trained and familiar with its provisions and deliver it effectively.

Clause 12

LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

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

“(d) stalking.”

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

60 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 seeks to 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 PONSONBY OF SHULBREDE

61 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 POLAK
BARONESS BENJAMIN

62★ Clause 13, page 11, line 25, at end insert –

“(d) have regard to guidance about specified victim support roles.

(3A) In this section, “specified victim support roles” have the meaning given by section 15.”

Member's explanatory statement

This amendment specifies that the relevant authorities will have due regard to the ‘guidance about specified victim support roles’ in section 15 in their strategy for collaboration.

LORD BELLAMY

63 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
BARONESS GOHIR

64 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(3), 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.

LORD PONSONBY OF SHULBREDE

65 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,”

LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

- 66 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

- 67 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.

BARONESS CHAKRABARTI

- 68 Clause 14, page 12, line 3, after “consult” insert “the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and any other”

Member's explanatory statement

This refers to the Secretary of State’s duty to issue guidance on the collaboration of agencies (police, NHS and local authorities) “in exercise of victims support functions” in respect of victims of domestic abuse, serious violent offences and sexual offences. The Clause as currently drafted requires the Secretary of State only to consult persons they consider to be appropriate. This amendment requires them to consult with the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and the Commissioner for Children.

LORD RUSSELL OF LIVERPOOL

- 69 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.

THE LORD BISHOP OF MANCHESTER
LORD RUSSELL OF LIVERPOOL
BARONESS GOHIR
BARONESS BRINTON

- 70 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.

LORD POLAK
BARONESS BENJAMIN

71★ Clause 14, page 12, line 7, at end insert –

- “(4) Guidance under this section about a victim support function must include specified victim support services.
- (5) In this section –
 “specified” means specified in regulations made by the Secretary of State;
 “victim support service” means a service, other than accommodation-based support, provided to support victims of criminal conduct which constitutes –
 (a) domestic abuse,
 (b) conduct of a sexual nature, or
 (c) serious violence.
- (6) Guidance under this section must, where relevant, make provision in relation to victims who are children or have protected characteristics within the meaning of the Equality Act 2010.”

Member's explanatory statement

This amendment seeks to ensure that guidance for the relevant authorities and commissioners of services includes guidance on ‘victim support services’ as already specified on the face of the Bill.

Clause 15

LORD PONSONBY OF SHULBREDE

72 Clause 15, page 12, line 10, leave out “Secretary of State” and insert “responsible authority”

LORD PONSONBY OF SHULBREDE

73 Clause 15, page 12, line 11, at end insert –

- “(1A) For the purposes of this section, the responsible authority is –
 (a) in England, the Secretary of State; and
 (b) in Wales, the Welsh Ministers.”

LORD BELLAMY

74 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

75 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

76 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.

BARONESS THORNTON
LORD MARKS OF HENLEY-ON-THAMES

77

After Clause 15, insert the following new Clause –

“Free independent legal advocates for rape victims

- (1) The Secretary of State must develop proposals for a scheme to give victims of rape access to free, independent legal advocates available in every police force area in England and Wales.

- (2) For the purposes of this section “independent legal advocate for rape victims” means a person who is a qualified solicitor, with experience working with vulnerable people, who provides appropriate legal advice and representation to individuals who are victims of criminal conduct which constitutes rape.”

Member's explanatory statement

This amendment would require the Secretary of State to develop proposals for the provision of free legal advocates for rape victims in every police force.

BARONESS THORNTON
LORD MARKS OF HENLEY-ON-THAMES

78 After Clause 15, insert the following new Clause—

“Independent legal advice for victims of rape

The Secretary of State must develop proposals for a scheme to give victims of rape access to free, independent legal advice.”

Member's explanatory statement

This amendment would require the Secretary of State to develop proposals for the provision of free independent legal advice for rape victims.

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF GLOUCESTER

79 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 16

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON
BARONESS BUTLER-SLOSS

- 80 Clause 16, page 13, line 14, at end insert “or a sexual offence against the child or a child in the family”

Member's explanatory statement

This amendment would remove the presumption of custody for children of offenders of child sexual abuse, requiring a Crown Court to make a prohibited steps order protecting the children of an offender on sentencing.

LORD BELLAMY

- 81 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

- 82 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.

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON
BARONESS BUTLER-SLOSS

- 83 Clause 16, page 13, line 32, after “manslaughter” insert “or murder and the offender was a victim of domestic abuse, within the meaning of the Domestic Abuse Act 2021”

Member's explanatory statement

This amendment specifies that when the offender has experienced domestic abuse prior to being convicted of murder or manslaughter, the restriction to parental responsibility should not apply.

BARONESS CHAKRABARTI

- 84 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 17

LORD BELLAMY

- 85 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

86 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).

Clause 24

BARONESS BERTIN

87★ Clause 24, page 22, line 38, at end insert –

“(3A) A counselling information request may be made only if the authorised person has reason to believe that the information sought is likely to have substantial probative value to a reasonable line of enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person.

(3B) For the purposes of subsection (3A), a “counselling information request” means a victim information request to a person who provides counselling services of a description specified in regulations made by the Secretary of State by statutory instrument.”

Member's explanatory statement

This amendment requires an authorised person to believe that the information sought by a counselling information request is likely to have substantial probative value.

BARONESS BERTIN

88★ Clause 24, page 23, line 21, at end insert –

“(10) A statutory instrument containing regulations under subsection (3B) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment provides for regulations defining the counselling services in relation to which my amendment of Clause 24, page 22, line 38 applies to be subject to the negative resolution procedure.

BARONESS BERTIN

89★ Clause 24, page 25, line 6, at end insert –

“(1A) The code must in particular –

- (a) provide that an authorised person must, when considering whether they are satisfied as required by paragraph (c) of section 44A(3) in relation to a counselling information request, start from the presumption that the request is not necessary and proportionate to achieve a purpose in that paragraph, and
- (b) set out the steps that must be taken by an authorised person when deciding whether that presumption is rebutted.

(1B) For the purposes of subsection (1A), a “counselling information request” has the meaning given by section 44A(3B).”

Member's explanatory statement

This amendment requires the code of practice issued under new section 44D of the Police, Crime, Sentencing and Courts Act 2022 to provide for authorised persons to presume that counselling information requests are not necessary and proportionate and to take certain steps when considering making such requests.

After Clause 25

LORD BELLAMY

90 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.

BARONESS CHAKRABARTI
BARONESS BRINTON
BARONESS BUTLER-SLOSS

91★

After Clause 25, insert the following new Clause –

“Victims: psychological assessment in the family court

In section 13 of the Children and Families Act 2014 (control of expert evidence, and of assessments, in children proceedings), after subsection (6) insert –

- “(6A) When deciding whether to give permission as mentioned in subsection (1), (3) or (5) for a psychological assessment of anyone involved in the case who is also a victim (of criminal conduct) as defined by section 1 of the

Victims and Prisoners Act 2024 (meaning of “victim”), the court must not give such permission unless the expert undertaking the assessment is regulated by the Health and Care Professions Council.

- (6B) Where evidence from a psychological assessment conducted by an expert who is not regulated by the Health and Care Professions Council is proposed in a case involving anyone who is also a victim (of criminal conduct) as defined by section 1 of the Victims and Prisoners Act 2024, the victim must be informed of the proposed use of such evidence.”

Member's explanatory statement

This new Clause provides protection for victims who are then subject to psychological assessment in family proceedings. It ensures that any such assessment is conducted by a suitably qualified and regulated expert.

BARONESS CHAKRABARTI
BARONESS BRINTON
BARONESS BUTLER-SLOSS

92 After Clause 25, insert the following new Clause –

“Proceedings under the Children Act 1989 involving victims

- (1) The Children Act 1989 is amended as follows.
- (2) In section 1 (welfare of the child), after subsection (2B) insert –
 - “(2C) Subsection (2A) does not apply in relation to a parent, where the child or other parent is a victim of domestic abuse by that parent as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”).
 - (2D) Evidence of domestic abuse may be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098).”
- (3) In section 9 (restrictions on making section 8 orders), after subsection (7) insert –
 - “(8) No court may make a section 8 order for a child victim or child of a victim as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”) to spend unsupervised time with or have unsupervised contact with any person who is –
 - (a) awaiting trial, under police investigation, or on bail for a domestic abuse, child abuse or sexual offence, or
 - (b) subject to ongoing criminal proceedings for a domestic abuse, child abuse or sexual offence,
 as evidenced by documents proscribed in the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098).
- (10) In subsection (8) –
 - “unsupervised” means where a court approved third party is not present at all times during contact with the parent to ensure the physical safety and emotional wellbeing of the child;

“sexual offence” has the meaning given in paragraph 39 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, excluding the following offences under the Sexual Offences Act 2003 –

- (a) section 51A (soliciting), and
- (b) section 71 (sexual activity in a public lavatory).”

Member's explanatory statement

This new clause seeks to displace the presumption that parental involvement furthers a child's welfare in domestic abuse cases and would prohibit unsupervised contact for a parent waiting trial, or on bail for a domestic abuse, sexual violence or child abuse related offence, or where there are ongoing criminal proceedings for these offences, where the child or other parent is a victim under Clause 1 of the Bill.

BARONESS FOX OF BUCKLEY

93 After Clause 25, insert the following new Clause –

“Collection of data on victims of crime

The Secretary of State must issue guidance for relevant bodies including police and crime commissioners in respect of data collection to ensure that sex registered at birth is recorded for both victims and perpetrators of crime.”

BARONESS BERTIN

94★ After Clause 25, insert the following new Clause –

“Review of requests for counselling information relating to victims

- (1) The Secretary of State must prepare a report about the operation in the review period of Chapter 3A of the Police, Crime, Sentencing and Courts Act 2022 (requests for information relating to victims) (inserted by section 24 of this Act) in relation to counselling information requests.
- (2) The Secretary of State may discharge the duty in subsection (1) by arranging for another person to prepare a report about those matters.
- (3) As soon as is reasonably practicable after the end of the review period, the Secretary of State must –
 - (a) arrange for the report prepared under subsection (1) (or under arrangements under subsection (2)) to be published, and
 - (b) lay the report before Parliament.
- (4) In this section –
 - “counselling information request” has the meaning given by section 44A(3B) of the Police, Crime, Sentencing and Courts Act 2022;
 - “review period” means the period of three years beginning with the day on which section 24 comes into force.”

Member's explanatory statement

This amendment requires a report about the operation of Chapter 3A of the Police, Crime, Sentencing and Courts Act 2022, inserted by section 24 of this Act, in relation to counselling information requests to be prepared, published and laid before Parliament.

After Clause 26

BARONESS MORGAN OF COTES
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

95 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.

BARONESS MEACHER

96★ After Clause 26, insert the following new Clause—

“Victims of specified offences: data-sharing for immigration purposes

- (1) The personal data of a victim of a crime mentioned in subsection (3), which is processed for the purpose of that person requesting or receiving support or assistance related to the crime, must not be used for any immigration control purpose without the consent of that person.
- (2) The personal data of a witness to crime mentioned in subsection (3), which is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of the crime, must not be used for any immigration control purpose without the consent of that person.
- (3) The crimes referred to in subsections (1) and (2) are—
 - (a) domestic abuse as defined by section 1 of the Domestic Abuse Act 2021;
 - (b) an offence under any of sections 2, 2A, 4 or 4A of the Protection from Harassment Act 1997 or section 42A (1) of the Criminal Justice and Police Act 2001;
 - (c) an offence under any of sections 1, 2 or 4 of the Modern Slavery Act 2015;
 - (d) an offence under Part 1 of the Sexual Offences Act 2003;
 - (e) such other offences as specified in regulations made by the Secretary of State.
- (4) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 does not apply to personal data processed for the purposes of subsection (1) or (2).
- (5) For the purposes of this section, the Secretary of State must publish guidance about the effect of subsections (1) and (2) to—
 - (a) persons who are victims of or witnesses to the crimes in subsection (3),
 - (b) persons from whom support or assistance may be requested or received by a victim of crime in the United Kingdom,
 - (c) persons providing support to, or conducting investigations or prosecutions with the support of, witnesses of crime in the United Kingdom,
 - (d) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality, and
 - (e) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.
- (6) The Secretary of State may from time to time revise any guidance issued under this section.
- (7) Before issuing or revising guidance under this section, the Secretary of State must consult—
 - (a) the Domestic Abuse Commissioner,
 - (b) the Commissioner for Victims and Witnesses,
 - (c) the Independent Anti-Slavery Commissioner, and
 - (d) such other persons as the Secretary of State considers appropriate.

- (8) Subsection (7) does not apply in relation to any revisions of the guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (9) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.
- (10) For the purposes of this section—
- “consent” means a freely given, specific, informed and unambiguous indication of the individual’s wishes by which the individual, by a statement, signifies agreement to the processing of the personal data.
- “immigration” means the exercise of any functions of the Secretary of State and of immigration officers under the Immigration Acts within the meaning of section 61 of the UK Borders Act 2007.
- “support or assistance” includes the provision of accommodation, banking services, education, employment, financial or social assistance, healthcare and policing services and any function of a court or prosecuting authority.
- “victim”, in relation to a crime, means the particular person who appears to have been affected by the crime, and their dependent, where that dependent is also affected by the crime.”

Member's explanatory statement

This probing amendment seeks to ensure that the personal data of a victim of a crime is not used for any immigration control purpose without the consent of that person.

Clause 27

LORD BELLAMY

- 97 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

- 98 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

- 99 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 27

BARONESS BRINTON
LORD RUSSELL OF LIVERPOOL

100 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
LORD RUSSELL OF LIVERPOOL

101 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.

Clause 28

LORD WILLS

- 102 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

- 103 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 PONSONBY OF SHULBREDE

- 104 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.

LORD WILLS

- 105 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.”

LORD WILLS

- 106★ Clause 28, page 29, line 21, at end insert –

“(4A) In subsection (4) “close family member” includes –

- (a) a husband, wife or civil partner from a marriage or partnership that was in existence at the time of the event;

- (b) a child;
- (c) a grandchild;
- (d) a parent;
- (e) a sibling;
- (f) a half-sibling;
- (g) a grandparent;
- (h) a niece or nephew;
- (i) an aunt or uncle;
- (j) a cohabitant of the deceased who has acted as a parent or spouse to that person.”

Clause 29

LORD PONSONBY OF SHULBREDE

107 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

108 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

109 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

110 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

111 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

112 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
BARONESS BRINTON
THE LORD BISHOP OF MANCHESTER

113 After Clause 38, insert the following new Clause –

“Major incidents: duty of candour

- (1) In discharging their duties in relation to a major incident, public authorities and public servants and officials must at all times act within their powers –
 - (a) in the public interest, and
 - (b) with transparency, candour and frankness.
- (2) If a major incident results in a court proceeding, official inquiry or investigation, public authorities and public servants and officials have a duty to assist –
 - (a) relating to their own activities, or
 - (b) where their acts or omissions may be relevant.
- (3) In discharging the duty under subsection (2), public authorities and public servants and officials must –
 - (a) act with proper expedition,
 - (b) act with transparency, candour and frankness,
 - (c) act without favour to their own position,
 - (d) make full disclosure of relevant documents, material and facts,
 - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and
 - (f) provide further information and clarification as ordered by a court or inquiry.
- (4) In discharging their duty under subsection (2), public authorities and public servants and officials must have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation but may not be limited by them, in particular where they hold information which might change the ambit of the said proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) must –
 - (a) be read subject to existing laws relating to privacy, data protection and national security, and
 - (b) apply in a qualified way with respect to private law and non-public functions as set out in subsection (6), and
 - (c) not be limited by any issue of insurance indemnity.

- (6) The duties in subsections (1) and (2) will be enforceable by application to the relevant court or inquiry chairperson by any person affected by the alleged breach, or the court or inquiry may act of its own motion.
- (7) Where there are no extant court or inquiry proceedings, the duties may be enforced by judicial review proceedings in the High Court.”

Member's explanatory statement

This new clause would require public authorities, public servants and officials to act in the public interest and with transparency, candour and frankness when carrying out their duties in relation to major incidents.

LORD PONSONBY OF SHULBREDE
LORD MARKS OF HENLEY-ON-THAMES

114 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
LORD MARKS OF HENLEY-ON-THAMES

115 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
LORD MARKS OF HENLEY-ON-THAMES

116 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
LORD MARKS OF HENLEY-ON-THAMES

117 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

118 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.””

LORD WILLS

119 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) pathologistsinvolved 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
LORD BURNETT OF MALDON

- 120 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
LORD BURNETT OF MALDON

- 121 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”

Before the Schedule

BARONESS CHAKRABARTI

- 122 Before the Schedule, insert the following new Schedule –

“SCHEDULE

THE VICTIMS’ CODE

Introduction

- 1 This Code is enacted by way of section 2 of the Victims and Prisoners Act 2024 (“the Act”). It may be amended by regulations and should be read alongside Part 1 of the Act which defines “victims” as people who have been physically, mentally, emotionally or economically harmed as a direct result of a criminal offence or people in at least one of the four following circumstances –
 - (a) where a person has seen, heard, or otherwise directly experienced the effects of criminal conduct when it occurred.
 - (b) where a person’s birth was the direct result of criminal conduct.
 - (c) where the death of a close family member of the person was the direct result of criminal conduct.
 - (d) where the person is a child who is a victim of domestic abuse under the Domestic Act 2021 which was also criminal conduct.
- 2 The Code sets out the minimum standard of services that must be provided to victims by organisations (referred to as service providers) in England and Wales. It is addressed to the victims it is designed to support and refers to them directly as “you” in what follows.
- 3 You can be a victim entitled to rights under this Code, even if there has been no report or complaint about the offence or if no one has been charged or convicted of it.

- 4 You can also receive rights under this Code if you are –
 - (a) a parent or guardian of the victim if the victim is under 18 years of age, or
 - (b) a nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lack the capacity to do so.
- 5 All service providers must have the victims' best interests as their primary consideration and take the victim's age, maturity, views, needs and concerns fully into account.
- 6 Which rights apply to you will depend on whether the crime is reported to the police, if the case goes to court, and whether the defendant is convicted, as well as your personal needs and circumstances. Rights 1, 4 and 12 apply to all victims. The remaining rights only apply where a crime has been reported to the police. The relevant service provider will tell you which rights apply to you.
- 7 You have the right to –
 - (a) be treated with respect, dignity, sensitivity, compassion and courtesy;
 - (b) make informed choices that are fully respected;
 - (c) have your privacy respected by service providers in accordance with their obligations under relevant privacy and data protection laws; and
 - (d) have services provided to assist you and your family to understand and engage with the criminal justice process and that are offered in a professional manner, without discrimination of any kind.
- 8 If you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims, you do not need to have provided a statement to or been interviewed by the police, or be required to attend court as a witness.
- 9 All other witnesses can access services under the Witness Charter, rather than under this Code.
- 10 You have the right to services under this Code regardless of your resident status. However, if the crime was committed in England and Wales but you live elsewhere, you should access support services where you live. If you are required to give evidence in court in England or Wales, you will be able to access support services while you are in England or Wales.
- 11 Families bereaved by murder or manslaughter of a British national committed outside of the United Kingdom should contact the Foreign, Commonwealth & Development Office. They provide support and information about processes in the country where the incident occurred, including repatriation of the deceased. They may also be able to refer the deceased's family to specialist support services.
- 12 Service providers will try to minimise the number of different people you have contact with during your case, and wherever possible, offer you a single point of contact for information. To assist them in delivering your rights under this Code, you should –

- (a) let them know if your contact details or preferences change;
 - (b) ask them questions if you are unsure about anything related to your case or the criminal justice process; and
 - (c) give service providers your views on the services they are providing to help them deliver and tailor a high-quality service.
- 13 You may decide that you do not want some or all of the rights under this Code. You should discuss this with the relevant service provider. You can choose to opt back in to receiving rights under this Code at any time while the case is under active investigation, or prosecution, or the offender is serving their sentence. This does not apply to the right to access support to help you to cope, and as far as possible, recover from being a victim of crime. This right is available regardless of whether anyone has been charged, convicted of a criminal offence and regardless of whether you decide to report the crime to the police or you do not wish to cooperate with the investigation.
- 14 You have the right to be protected from re-victimisation and retaliation during and after the investigation and proceedings.
 - (a) if you are concerned for your immediate safety, you should contact the police on 999.
 - (b) in the unlikely event that the suspect (pre-trial) or offender (following conviction) escapes from custody, the police will contact you. If it is assessed that the suspect or offender poses a significant risk of harm to you, they will take any necessary measures to ensure your on-going protection.
 - (c) if you are receiving unwanted contact from an offender in prison, you should contact His Majesty's Prison and Probation Service Victim's Helpline.
 - (d) if you receive unwanted contact from an offender who is on licence in the community, you can contact the police or if you have one, your Victim Liaison Officer. If the offender is under 18, you can also report any unwanted contact to the police, but if you know they are being supervised by a Youth Offending Team, you may wish to contact the team directly.
- 15 Service providers must include information about this Code on their websites. This information must also signpost victims to the relevant web pages.
 - (a) where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act and General Data Protection Regulation 2018 and other relevant legislation.
 - (b) where there is a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, or in other exceptional cases, the service provider may communicate information that a victim has the right to under this Code through alternative channels, such as their website, rather than contacting each victim individually.
 - (c) nothing in this Code requires a service provider to provide information to the victim where its disclosure –

- (i) could result in harm to any person;
 - (ii) could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case, or parole proceedings; or
 - (iii) would, in the service provider's view, be contrary to the interests of national security.
- 16 (1) The following organisations are required to deliver the rights under this Code –
- (a) Police and Crime Commissioners;
 - (b) all police forces in England and Wales, the British Transport Police and the Ministry of Defence Police;
 - (c) Police Witness Care Units;
 - (d) The Crown Prosecution Service;
 - (e) His Majesty's Courts and Tribunals Service;
 - (f) His Majesty's Prison and Probation Service;
 - (g) The National Probation Service;
 - (h) The Parole Board for England and Wales;
 - (i) The Criminal Cases Review Commission;
 - (j) The Criminal Injuries Compensation Authority;
 - (k) The UK Supreme Court;
 - (l) Youth Offending Teams.
- (2) Under this Code some victims will receive their Rights through a combination of the service providers listed above and to her service providers, including –
- (a) The Competition and Markets Authority;
 - (b) Department for Business, Energy and Industrial Strategy (Criminal Enforcement);
 - (c) The Environment Agency;
 - (d) The Financial Conduct Authority;
 - (e) The Gambling Commission;
 - (f) The Health and Safety Executive;
 - (g) His Majesty's Revenue and Customs;
 - (h) Home Office (Immigration and Enforcement);
 - (i) The Information Commissioner's Office;
 - (j) Independent Office for Police Conduct;
 - (k) The National Crime Agency;
 - (l) The National Health Service;
 - (m) National Resources Wales;
 - (n) The Office of Rail and Road;
 - (o) The Serious Fraud Office.
- (3) Other service providers can also have a role in relation to the investigation and/or prosecution of crimes. However, unlike the police and the Crown Prosecution Service, who have a broad remit to investigate and prosecute crimes, these service providers are limited to investigating and prosecuting specific

types of offences committed in certain circumstances. This will determine the way in which, and frequency with which, they come into contact with victims.

- (4) The rights in the Code only apply where other service providers (such as those listed above) accept formal responsibility for conducting a criminal investigation or making a decision to prosecute. However, not all functions undertaken by other service providers are identical to those carried out by the police and the Crown Prosecution Service. Where functions are equivalent to a service provider under this Code (for example the other service provider is investigating or prosecuting an alleged offence), they must deliver the same rights without unjustified delay, regardless of whether the other service provider is listed above.
- 17 Police and Crime Commissioners are locally elected to secure efficient and effective policing. They have a legal duty to consult with victims in setting the policing priorities in their area and to hold the Chief Constable of the police in their area to account. They are responsible for commissioning many of the services that support victims outlined in this Code.
- 18 The Victims' Commissioner is not listed as a service provider under this Code. This is because the Commissioner has a statutory duty to keep this Code under regular review. It is part of the Commissioner's role to listen to the views of victims, understand the criminal justice system from the victim's point of view and try to help improve the services and support available. The Victims' Commissioner cannot help with individual cases.

Enhanced Rights

- 19 This Code acknowledges that victims who are considered vulnerable or intimidated, are a victim of the most serious crime (including a bereaved close relative) or have been persistently targeted are more likely to require specialised assistance (some victims may fall into one or more of these categories). Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to special measures (see Right 4). Within each individual right this code highlights where enhanced rights apply.
- 20 Once a service provider has identified that you are eligible for enhanced rights, they must ensure that this information is passed to other service providers with responsibilities under this Code and, where appropriate, to services that support victims.
- 21 If you do not fall within the categories outlined above, a service provider may decide to provide access to certain enhanced rights depending on your circumstances or the impact of the crime.
- 22 You are eligible for enhanced rights under this Code as a vulnerable victim if –
- (a) you are under 18 years of age at the time of the offence, or
 - (b) the quality of your evidence is likely to be affected because you –
 - (i) suffer from mental disorder within the meaning of the Mental Health Act 1983;

- (ii) otherwise have a significant impairment of intelligence and social functioning; or
 - (iii) have a physical disability or are suffering from a physical disorder.
- 23 You are also eligible for enhanced rights under this Code as an intimidated victim if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.
- 24 When assessing whether a victim is intimidated, the service provider must consider –
 - (a) the behaviour towards the victim on the part of the suspect, members of their family or associates, or any other person who is likely to be a suspect or witness in the case;
 - (b) the victim’s age;
 - (c) if relevant, the victim’s social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances;
 - (d) the nature and alleged circumstances of the offence to which the case relates (victims of a sexual offence or human trafficking will be considered to be intimidated); and
 - (e) any views expressed by the victim.
- 25 (1) You are eligible for enhanced rights under this Code as a victim of the most serious crime, if you are a close relative bereaved by a criminal offence, a victim of domestic abuse, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.
- (2) Additional enhanced rights that are available for bereaved close relatives are highlighted separately within each individual right of this Code.
- 26 You are eligible for enhanced rights under this Code as a persistently targeted victim if you have been targeted as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or if you are a victim of a campaign of harassment or stalking.

Your rights under the victims’ code

- 27 (1) The various rights to which you are entitled under this Code are set out below –
 - (a) you have the right to be helped to understand what is happening and to be understood. In considering appropriate measures, service providers must consider any relevant personal characteristics which may affect your ability to understand and to be understood. All service providers must communicate in simple and accessible language and all translation or interpretation services must be offered free of charge to the victim.
 - (b) if, due to the impact of the crime, you need assistance to understand or to be understood, you can be supported by a person of your choice, unless the service provider considers that it would not be in your best

- interests or that it would impact the investigation or prosecution. In these circumstances, the service provider will tell you why.
- (c) if you have difficulty understanding or speaking English, you have the right to use an interpreter to help you understand, when –
 - (i) reporting a criminal offence,
 - (ii) being interviewed by the police; and
 - (iii) giving evidence as a witness.
 - (d) you can also receive the translation of any document where it is essential for the purposes of the interview or court proceedings to read a document that is given to you, including –
 - (i) the written acknowledgement of the reported crime;
 - (ii) where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
 - (iii) communication informing you of the date, time and location of the trial;
 - (iv) the outcome of criminal proceedings and, where available, the reasons for the decision; and
 - (v) the response to any complaint or request made under the Victims' Right to Review Scheme.
 - (e) you can also receive an oral translation or summary of any of the documents listed above, unless doing so would prejudice the fairness of the proceedings.
 - (f) for cases heard in Wales, you would have the legal right to use Welsh when giving evidence and the court will make the necessary arrangements. You also have the right to submit a Victim Personal Statement to the Parole Board in Welsh, irrespective of the location of the offender, and to ask for a summary of the parole decision to be provided in Welsh.
- (2) You have the right to have the details of the crime recorded by the police without unjustified delay after the incident. When you report an incident, you will be asked to provide details about the crime.
- (a) If you are asked to make a witness statement, the police will explain to you that this may result in you needing to give evidence at court, if the case goes to trial.
 - (b) If you ask to be interviewed, any interview should take place without unjustified delay, the number of interviews should be kept to a minimum and where possible be conducted by the same person. The police must take any steps necessary to ensure that you (and your family) do not have unnecessary contact with the suspect.
 - (c) The police must consider whether you would benefit from additional support, for example the assistance of an interpreter, and that any interview is carried out by or through professionals trained for that purpose. They must seek to ensure that it takes place in premises designed or adapted for the purpose. If this is not possible, the police will tell you why.

- (d) You have the right to request to bring a person of your choice to the interview. If this is not possible, the police will tell you why.
 - (e) If the police or the Crown Prosecution Service believe that the quality of your evidence may be adversely affected by a vulnerability, they must consider whether you are eligible for support from a Registered Intermediary (see Right 4) and make any other reasonable adjustments based on your needs.
 - (f) If a medical examination is required for the purposes of the criminal proceedings, these must be kept to a minimum and are subject to your consent.
 - (g) If you are a victim of sexual violence, gender-based violence or domestic abuse, you have the right to request that the police officer conducting the interview is of a gender of your choice. The police must meet your request unless doing so would prejudice the fairness of the proceedings. If this happens, the police will tell you why.
 - (h) If you are considered vulnerable, for example under 18 years of age or intimidated (see Enhanced Rights above), the police will ask you, or your parent/guardian if you would like your police interview to be video recorded to make it easier for you to tell them what happened. This may be presented as your evidence in court. You may also be able to have your court cross-examination evidence pre-recorded at a time earlier and separate to the trial. The police will discuss this option with you. If you do want to give your evidence at the trial, if eligible, a court may allow you to give you evidence and be cross-examined via a live-link room away from the court or a remote site, to minimise the risk of meeting the defendant. However, if you would prefer you can give your evidence in court, Prosecutors should make witnesses aware that while they can consider how they might like to give evidence, it will be subject to the application to the court and the final decision is made by a judge.
- (3) If you report a crime to the police or have an allegation reported on your behalf, or if you are contacted as a victim in the course of investigations, you have the right to written confirmation of your allegation. This will include the basic details of the offence, a crime reference number and the contact details of the police officer dealing with your case. The confirmation could be a letter, email text message, or it could be written by hand.
- (a) Where the police consider there may be a risk of harm to you from sending the written confirmation, for example in domestic abuse cases, they must provide confirmation in a way that does not potentially risk your safety.
 - (b) The police will explain where you can get further information about the criminal justice process and your rights as a victim. This will include information on where and how to get advice and support. For example, where appropriate and available, how to seek compensation (see Right 5), access to medical support, specialist support, such as psychological support (including pre-trial therapy and counselling), and alternative accommodation. The police will also explain what arrangements are available if you do not live in England and Wales.

- (c) If the offender is an adult, you have the right to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the right to receive information about Restorative Justice from the Youth Offending Team.
 - (d) Although the police are responsible for providing you with information on Restorative Justice initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process.
- (4) When you report a crime to the police, you have the Right to be offered support. This will include an assessment of whether you are entitled to receive the enhanced rights as set out after the Introduction to this Code. The more information you are able to provide during this assessment will ensure that service providers are able to offer help and support that better meets your needs.
- (a) Throughout your case, all service providers must give you the opportunity to be re-assessed if you tell them how your needs have changed.
 - (b) If you are required to attend court to give evidence, you will be offered a separate needs assessment by the Witness Care Unit to determine whether you require any further help and support before the trial and at the court.
 - (c) Services that support victims are there to help you cope and, as far as possible, recover after a crime. Access to support is free, even if the crime hasn't been reported to the police. For further information about the support in your area, contact your local Police and Crime Commissioner.
 - (d) If you report a crime to the police, you have the right to be referred to a service that supports victims, including Restorative Justice services. The police will tell you about all the support services available in your local area. You will be referred to a support service within 2 working days, and these services will endeavour to provide timely access to support based on availability.
 - (e) If you choose not to report the crime to the police, you still have the right to access support services at any time. You can contact local support services directly. To search for a support near you, contact your local Police and Crime Commissioner.
 - (f) If you are a bereaved close relative, you have the right to have a Family Liaison Officer assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate (this will happen in most cases). Your Family Liaison Officer will normally act as the single point of contact between you and service providers. If your case involves an allegation of murder or manslaughter, you also have the right to be referred to the National Homicide Service and any other relevant specialist support service. This offer will normally be made through your Family Liaison Officer.

- (g) Depending on your needs and the nature of your case, you may be offered specialist support, for example from an Independent Sexual Violence Advisor or an Independent Domestic Violence Advisor. Your advisor will normally act as your single point of contact throughout the case and communicate with the police, Witness Care Unit and the Crown Prosecution Service on your behalf.
 - (h) If you are required to give evidence in court, you have the right to be offered a referral to a Witness Support Service (see Right 8).
 - (i) At the end of your case, regardless of the outcome, you have the Right to be offered a referral to a support service even if you haven't accessed them previously. To search for a service that supports victims near you, contact your local Police and Crime Commissioner.
 - (j) You have the right to have your needs assessed by the police or Witness Care Unit to determine whether you are eligible and would benefit from giving evidence using special measures. The police or Witness Care Unit will explain what special measures are available and will ask for your views about which you might like to apply for.
 - (k) The judge or magistrate will decide whether special measures should be granted following a request from the prosecutor. The Witness Care Unit will tell you the judge's or magistrate's decision (see Right 8) and His Majesty's Courts and Tribunals Service court staff will ensure that any special measures granted are available for you at court.
- (5) If the defendant pleads or is found guilty, the judge or magistrate may order them to pay you compensation for any loss, damage, or injury caused as a result of the crime. You have the right to be told by the police how to seek compensation and you may be asked to provide evidence of any loss or damage, for example receipts or quotes for repairing the damage caused during the crime.
- (a) If you have suffered a serious physical or mental injury as a direct result of a violent crime, you may be entitled to compensation through the Criminal Injuries Compensation Scheme (the Scheme). The Scheme is for those injured in England, Wales and Scotland. You have the right to be told by the police how to apply for compensation through the Scheme (see Right 3).
 - (b) The Criminal Injuries Compensation Authority is responsible for administering the Scheme.
 - (c) Do not delay your application. You must apply as soon as reasonably practical. This should normally be within 2 years of the date of the incident. The Criminal Injuries Compensation Authority can only extend the time limits where there are exceptional circumstances. Different rules apply if you were aged under 18 years of age at the time of the incident. To be eligible for compensation, you will need to meet the wider eligibility criteria set out within the Scheme.
 - (d) You should not wait for the outcome of a criminal trial to apply. Your claim is not dependent on the conviction of an offender. However the Criminal Injuries Compensation Authority may put your application

on hold until you know the outcome of the trial, if they do not have sufficient information to be able to progress your claim.

- (e) The Scheme is one of last resort . Where the opportunity exists to pursue compensation elsewhere, you should do so. An award under the Scheme will take account of other compensatory payments made to you, such as court ordered compensation or a civil personal injury award. The Criminal Injuries Authority may defer making a decision on a claim until you take reasonable steps to seek compensation through other routes available to you and await the outcome of those steps.
 - (f) Once you have applied the Criminal Injuries Compensation Authority will confirm that your application has been received and respond to all written correspondence regarding your application within 20 working days of it being received.
 - (g) Having considered your application, you will be provided with information on the right to review the Criminal Injuries Compensation Authority’s decision, including the procedure and time limits for reviewing that decision.
 - (h) Further information about applying for compensation can be found at the relevant web page, from the police, your local support service, or by contacting the Criminal Injuries Compensation Authority.
 - (i) It may be possible to seek compensation from the suspect or offender outside of the criminal justice process. If you want to consider applying for civil compensation, you should seek legal advice and assistance from a solicitor.
 - (j) If you need legal advice and/or assistance you should contact a solicitor. If you are on a low income or benefits you may be able to get Legal Aid to help cover the cost. More information on whether you are eligible for Legal Aid is available at.
 - (k) To find a local solicitor you should contact the Law Society.
- 28 (1) You have the right to be told by the police when key decisions on the investigation are made and, where applicable, to have the reasons explained to you within 5 working days (1 working day under enhanced rights – see above) of a suspect being –
- (a) arrested;
 - (b) interviewed under caution;
 - (c) released without charge; and
 - (d) released on police bail or under investigation or if police bail conditions are changed or cancelled.
- (2) If the police decide not to investigate your case you will be given an explanation of this decision within 5 working days (1 working day under enhanced rights – see above). The police will also offer you a referral to a support service.
- (3) Where the police do investigate the case, they will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time.
- (4) The investigation and decision on whether the case should go to court can take a long time and there may be long periods between key decisions. The police

will discuss with you if you would like contact during their time and provide you with the contact details if you have any questions during the investigation.

- (5) There may be times when a service provider is unable to provide you with updates or use your preferred method of contact, but in these instances, they will tell you why.
- (6) In some cases, the police or the Crown Prosecution Service may decide to deal with the case without taking it to court. This is called an out of court disposal. This enables the incident to be dealt with relatively quickly and may prove more effective in preventing other offences.
- (7) Where the police or the Crown Prosecution Service are considering an out of court disposal you have the right to be asked for your views and to have these views taken into account when a decision is made. Where this is not possible for practical reasons, the police or the Crown Prosecution Service will tell you why.
- (8) The police or the Crown Prosecution Service will take the final decision after considering the full circumstances of the offence and your views. You have the right to be told the reasons for the decision within 5 working days (1 working day under enhanced rights - see above) of an out of court disposal being given to the offender.
- (9) When the police have finished their investigation, they may decide what should happen next, or for more serious crime, pass the information to the Crown Prosecution Service, who will then decide if there is enough evidence to take the case to court.
- (10) If the police or the Crown Prosecution Service decide not to prosecute the suspect, you have the right to be told within 5 working days (1 working day under enhanced rights - see above) of the decision of –
 - (a) the reasons for the decision;
 - (b) how you can get further information;
 - (c) how to seek a review and make representations under the National Police Chiefs' Council or the Crown Prosecution Service Victims' Right to Review scheme, and
 - (d) how to be referred to a support service.
- (11) If you are unhappy with a police or a Crown Prosecution Service decision not to prosecute the suspect, you have the right to ask for a review under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review schemes.
- (12) If you are a victim in a specified case where the Crown Prosecution Service tells you of a decision not to charge a suspect, you have the right to be offered a meeting unless the Crown Prosecution Service decided that a meeting should not take place. On the rare occasions where the Crown Prosecution Service decide that a meeting is not appropriate, this decision will be explained to you.
- (13) If the suspect is charged with an offence(s), you have the right to be told by the police within 5 working days (1 working day under enhanced rights - see above) of –

- (a) the offence they are charged with;
 - (b) the date, time and location of the first court hearing; and
 - (c) where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.
- (14) If you are a bereaved close relative in a qualifying case you have the right to be offered a meeting with the Crown Prosecution Service prior to or following a decision about whether or not to charge a suspect. If a decision is made to charge, the Crown Prosecution Service will explain how the case is likely to progress and answer any questions that you may have. The Crown Prosecution Service will also discuss your needs and jointly agree how regularly you will receive updates.
- (15) If, after the suspect has been charged with an offence(s), the Crown Prosecution Service decides to stop a charge and proceed with another, make a big change to a charge or stop the case, you have the right to be told the reason why and, where the decision is to stop the case, how to ask for a review under the Crown Prosecution Service's the Crown Prosecution Service's Victims' Right to Review Scheme, if you disagree with their decision.
- 29 (1) You have the right to make a Victim Personal Statement to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way.
- (2) This is different from a witness statement. The Victim Personal Statement is considered by the judge or magistrate when determining what sentence the defendant should receive and can also help service providers to consider what additional support you or your family may require.
- (3) If you are a bereaved close relative, you have the right to make a Victim Personal Statement and the right to have someone with you when you do so regardless of whether you have made a witness statement.
- (4) To help you decide whether you wish to make one, you have the right to be provided with information about the Victim Personal Statement process by the police when reporting a crime. If you decide to make a personal statement, you will be asked for your preference about whether you would like to read your statement aloud in court or to have it read on your behalf. You can also request a copy from the police and will be given an opportunity to make an additional personal statement to reflect the changing impact of the crime.
- (5) If the defendant pleads guilty, or is found guilty, and you have asked that your statement is read aloud (or played) in court, the judge or magistrate will decide whether and what sections of your personal statement should be read aloud (or played), and who should read it. The judge or magistrate will always take your preference into account when making their decision, unless there is a good reason not to do so. The Witness Care Unit will let you know the judge's or magistrate's decision.
- (6) You do not have to read your Victim Personal Statement yourself or have it read on your behalf. If at first you choose to have your personal statement read aloud but later decide you do not want this, you can change your mind. Your

personal statement will be considered by the judge or magistrate in the same way, whether or not it is read (or played) aloud in court.

- (7) In addition to the named point of contact for a business being able to make a Victim Personal Statement, businesses of all sizes can make an Impact Statement for Business. This is similar to a Victim Personal Statement and will be used in the same way in court, but allows the business to explain how a crime has affected it, such as direct financial loss, operation disruption or reputational damage.
 - (8) The named point of contact has the right to be provided information about the Impact Statement for Business process by the police when reporting the crime, to help them decide whether the business wishes to make one.
 - (9) Further information about the Victim Personal Statement and Business Impact Statement process is available from the police.
 - (10) You can ask that your original Victim Personal Statement be used at tariff review hearings and at parole Board hearings. However you are entitled to write a new Victim Personal Statement for these hearings, where you are able to explain how the crime continues to affect you and/or your family, and the impact that any outcome at one of these hearings may have on you. Different rules apply to a Victim Personal Statement made to the Parole Board (see Right 11).
- 30 (1) If the case goes to court, you have the right to be told by the Witness Care Unit within 5 working days (1 working day under enhanced rights – see above) of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing –
- (a) the time, date and location of any hearing (within 1 working day for all victims);
 - (b) the outcome of any bail hearing (and relevant bail conditions, any relevant changes to these bail conditions and the reasons for those changes);
 - (c) if an arrest warrant has been issued for the suspect and the outcome of a hearing if the suspect is re-arrested; and
 - (d) the outcome of any hearing if the suspect has been re-arrested.
- (2) If the suspect pleads not guilty and you are required to attend court, you have the right to –
- (a) be told by the Witness Care Unit if you are required to give evidence within 1 working day (for all victims) of them receiving the information from the Crown Prosecution Service;
 - (b) have your needs assessed and be offered a referral to a witness support service who can arrange a visit to the court before the trial date to familiarise yourself with the building or another support service (see Right 4); and
 - (c) be told of the outcome of any special measures application (see Right 4).
- (3) If you are required to give evidence, you will be able to refresh your memory by reading (or watching where it has been recorded) your witness statement. Where possible, if the court allows, the prosecutor will meet you before you go

into court to explain what will happen and answer any questions you may have.

- (4) If you are a bereaved close relative, you have the right to request, from your Family Liaison Officer or Witness Care Unit, a visit to the court before the trial date to familiarise yourself with the building, regardless of whether you are required to give evidence. You also have the Right to be offered a meeting with the Crown Prosecution Service prosecutor or advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial and is an opportunity for you to be introduced and to ask any questions that you may have.
 - (5) When attending court, and where possible, you will be able to enter through a different entrance to the defendant and wait in a separate waiting area before and after your case has been heard. Some court buildings do not currently have separate entrances for victims, however where informed, His Majesty's Courts and Tribunals Service staff will make arrangements to ensure that you do not have to see the defendant on arrival.
 - (6) During the trial, you may have to wait to give evidence, His Majesty's Courts and Tribunals Service court staff will give you a contact point at the court (who may be a member of a witness support service) to keep you updated on the progress of the trial and they or the Crown Prosecution Service prosecutor or advocate will tell you how long you will likely need to wait.
 - (7) Sometimes you may need to come back to court on another day. If this happens, His Majesty's Courts and Tribunals Service staff or the Crown Prosecution Service prosecutor or advocate will tell you why.
- 31 (1) At the end of the case, you have the right to be told the outcome, including where available, a brief summary of the reasons for the decision, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the case.
- (2) If the defendant is convicted (found guilty), you have the right to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be 5 working days of the outcome of the case. If you have questions about the sentence which the Witness Care Unit are unable to answer, you have the right to be referred to the Crown Prosecution Service, who will answer any questions which the Witness Care Unit is not able to answer.
 - (3) If you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service –
 - (a) following conviction, but before the sentencing hearing of the defendant, to confirm that a Victim Personal Statement has been made or to confirm that it is up to date (this meeting will usually take place at court);
 - (b) following the sentencing hearing to explain the sentence given (this meeting will usually take place at court);
 - (c) in cases where the defendant is found not guilty or is convicted of a less serious charge the offer of a meeting will be made a few weeks after the

case has concluded, unless the Crown Prosecution Service decide that this is inappropriate. On the rare occasions where they decide that a meeting is not appropriate, this decision will be explained to you. The actual timing of the meeting will be informed by the wishes of the family and you will be contacted to discuss when it should take place; and

- (d) in a murder case where all defendants are found not guilty of all charges, the police and Crown Prosecution Service will follow the process set out in the National Standards of Support for bereaved families. The National Standards of Support are available on the Crown Prosecution Service website and a copy is provided by the police to bereaved families as part of the police bereavement pack.
- (4) For some (but not all) cases sentenced in the Crown Court you can ask the Attorney General to refer the sentence to the Court of Appeal to reconsider it. This can only be done if the Attorney General thinks that the sentence was not just lenient but ‘unduly lenient’, such that the sentencing judge made a gross error or imposed a sentence outside the range of sentences reasonably available in the circumstances of the case.
 - (5) If the Attorney General considers that the sentence meets the standard of being ‘unduly lenient’ the case is referred to the Court of Appeal. The Attorney General must consider the matter as soon as possible after sentence and no later than the 28th calendar day after the sentence was imposed (in business hours and with sufficient time for consideration). If the Court of Appeal agrees, it may increase the sentence.
 - (6) The Witness Care Unit will tell you about the scheme, when you are told the sentence in the case.
 - (7) Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on whether the offender is allowed to appeal and if so, the outcome of that appeal.
 - (8) If the offender appeals to the Crown Court, you have the right to be told by the Witness Care Unit within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the hearing –
 - (a) that a notice of appeal has been made;
 - (b) the date, time and location of any hearing; and
 - (c) the outcome of the appeal, including any changes to the original sentence.
 - (9) If you wish to attend the appeal, you have the right for court staff to arrange for you to –
 - (a) wherever possible wait and be seated in court in an area separate from the offender and their family and friends;
 - (b) be provided with a contact point at the Crown Court; and
 - (c) receive information about services that support victims where appropriate and available.
 - (10) If the offender appeals to the Court of Appeal or UK Supreme Court, you have the right to be told by the Witness Care Unit within 5 working days (1 working

day under enhanced rights -see page 10 of this Code) of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing –

- (a) if the offender has been given permission to appeal against the conviction, sentence or point of law;
 - (b) the date, time and location of any hearing, and any changes to this information (within 1 working day for all victims);
 - (c) if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within 1 working day for all victims);
 - (d) the name of a contact for the Criminal Appeal Office or UK Supreme Court staff;
 - (e) the outcome of the appeal, including any changes to the original sentence, and
 - (f) how to request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court's judgment in the case once it has been published.
- (11) If you wish to attend the appeal, you have the right for court staff or UK Supreme Court staff to arrange for –
- (a) wherever possible, to wait and be seated in court in an area separate from the offender and their family and friends; and
 - (b) special arrangements to be made for you if the offender is present and you do not wish to sit in the courtroom (it is rare for the offender to attend hearings in the Supreme Court).
- (12) Following a decision to give the offender permission to appeal, if you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service to explain the nature of the appeal and the court processes.
- (13) In determining an appeal against a sentence, the court will always take into account any Victim Personal Statement that was considered by the sentencing court.
- (14) It is not normally necessary for a further personal statement to be provided to the Court of Appeal. However if there is information that the court should know about the continuing impact the crime has had on you, a new or further Victim Personal Statement may be sent to the Court through the police or the Crown Prosecution Service.
- (15) The Criminal Cases Review Commission investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland. An offender can apply to the Commission to review their conviction and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence is too long.
- (16) The Commission will not usually try to contact you just because they have received an application. This is because most reviews will not lead to a referral to the Court of Appeal, and therefore there is no need to warn you that the offender has applied. However, the Commission will tell you if they think there is a reasonable chance that you may find out that they are looking at a case through the media or through another source. The Commission will usually

work with the police to notify you of an application and will contact you again when a decision has been made on whether to refer the case.

- (17) If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the Commission will try their best to contact you before the case is referred for an appeal.
- 32
- (1) If you attend court to give evidence, you have the right to claim certain expenses from the Crown Prosecution Service, for example for travel, child care, loss of earnings, refreshments and meals (further details are available on the Crown Prosecution Service website). The Witness Care Unit will be able to help if you have any questions about claiming expenses.
 - (2) The Crown Prosecution Service will pay any expenses due to you within 10 working days of receiving a correctly completed claim form.
 - (3) If the police took any of your property as evidence, you have the right to get it back as soon as it is no longer required. The police will be able to help if you have any questions about the return of your property.
- 33
- (1) If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence, and sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983) with or without a restriction order), you have the right to be automatically referred within 10 working days of sentencing to the National Probation Service Victim Contact Scheme and be assigned a Victim Liaison Officer. The Victim Liaison Officer will contact you within 20 days of the referral.
 - (2) Where you choose to receive the Victim Contact Scheme, you are entitled to receive information at key stages of the offender's sentence (see below). You may opt-out and opt back in to the Victim Contact Scheme at any time whilst the offender is serving their sentence/ hospital order.
 - (3) The Victim Liaison Officer will tell you –
 - (a) what the sentence of the court means in terms of the offender's detention in prison or hospital, and if there are any changes to their sentence;
 - (b) when an offender in prison becomes eligible to be considered for a transfer to open conditions;
 - (c) if a prisoner moves to open conditions;
 - (d) when an offender is being considered for release or for conditional discharge;
 - (e) when an offender is released, or discharged from hospital, and if they are recalled to prison or hospital;
 - (f) how to make a Victim Personal Statement where it falls to the Parole Board to decide whether to direct the release of the offender from prison;
 - (g) how to read your Victim Personal Statement to the Parole Board, or have it read out on your behalf, or make a pre-recording in those cases where the Parole Board holds an oral hearing;
 - (h) how to apply for licence/ discharge conditions to reduce the chances of you encountering the offender in the community, or to prohibit them from contacting you;

- (i) about any licence discharge conditions that relate to you and the date they will end or where a request to change or remove them has been made;
 - (j) how to ask for a summary of the Parole Board's decision and how to seek to make representations where the Parole Board decides the offender is safe to release;
 - (k) if the offender escapes or absconds from custody;
 - (l) how to ask for information should the offender be convicted of a most serious offence (see below); and
 - (m) how to make a reconsideration request (where eligible – see below).
- (4) In addition to the statutory offences where the Victim Contact Scheme is offered, the National Probation Service will also offer victims access to the scheme where the offender is sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order) for –
- (a) Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988);
 - (b) Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988); or
 - (c) Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015).
- (5) If the offender in your case is under the age of 18 and you are not eligible for the Victim Contact Scheme, the Youth Offending Team may contact you directly. This is in cases where a young offender is sentenced to less than 12 months in custody, 12 months or more for a non-sexual or non-violent offence or a community-based order. A community-based order puts conditions on an offender serving a sentence in the community rather than prison.
- (6) The Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives (see Right 3), where appropriate and available.
- (7) You have the right to receive the following information from the Youth Offending Team –
- (a) information about the progress of the offender's case upon request; and
 - (b) information on appropriate services that support victims if you ask for additional support.
- (8) The Parole Board must –
- (a) consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment;
 - (b) read a Victim Personal Statement if one is submitted;
 - (c) consider any application by the victim to be permitted to attend the hearing and read their Victim Personal Statement or have it read by someone else on their behalf;

- (d) unless there is a good reason for not doing so, agree to the statement being read at the hearing by the victim or someone else on their behalf; and
 - (e) provide a summary of the parole decision upon application, unless there is a good reason for not doing so.
- (9) The Parole Board considers certain offenders for parole (release on licence) or re-release following recall and does so based on their risk of harm to the public.
- (10) If the Parole Board decides it is safe to release an offender the decision is provisional for 21 calendar days in the majority of cases (except standard determinate recalls). The Secretary of State may ask the Parole Board to reconsider the decision during this period, if he has an arguable case that –
 - (a) the correct process was not followed in the review of the offender for parole - for example, important evidence was not taken into account; or
 - (b) the decision was irrational – the decision cannot be justified based on the evidence of risk that was considered.
 - (c) As a victim, you may submit a request to the Secretary of State asking that an application for reconsideration is made, if you believe that the decision meets either of these tests. Your request must be submitted within the 21-day provisional window. The Secretary of State will only do so where there is evidence the criteria is met. You will receive a letter informing you of whether the Secretary of State makes an application for reconsideration or not.
- (11) Registered sex offenders are subject to ‘notification requirements’. This means they must tell the police about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution, for a Schedule 3 offence under the Sexual Offences Act 2003, but the length of time an offender will be subject to the requirement will vary dependent upon the sentence they are given. A breach of the notification requirements is a criminal offence and is punishable by up to five years imprisonment.
- (12) Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender’s notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.
- (13) If you are a victim of an offender who makes such an application, you have the right to be contacted by the police to provide your views on the application as part of the review. Your Victim Liaison Officer will provide you with further information about the process.
- (14) If you have been a victim of a crime committed by a foreign national and the offender –
 - (a) has received a prison sentence of 12 months or more, or hospital order, for an offence against you;

- (b) was recommended by a court for deportation for an offence against you; or
 - (c) was sentenced to a period in prison for a violent or sexual offence;
- then you have the right to receive information about the offender's deportation. You can choose not to receive this information. The National Probation Service (Victim Liaison Officer and Offender Managers) must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner's immigration status and any deportation information is passed on to victims.
- (15) If you have been the victim of a crime set out in (n) above, your Victim Liaison Officer assigned by the Victim Contact Scheme (see (a) above), will be able to obtain updates from the Home Office on your behalf.
 - (16) If you are not eligible for the Victim Contact Scheme or have opted out of the scheme, but you meet the criteria (see (n) above), you have the right to ask for updates regarding the immigration case of the Foreign National Offender directly from the Home Office's Victim Support Team.
 - (17) The Home Office Victim Support Team can tell you –
 - (a) whether the Home Office intends to take deportation action against the offender;
 - (b) the final outcome of any appeal against deportation;
 - (c) when the offender is going to be released from immigration detention;
 - (d) when the offender has been deported; or
 - (e) if the offender is not being deported and if possible, the reasons why.
 - (18) In the event that an offender commits a serious further offence while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a Serious Further Offence Review, to investigate how the case was managed and whether or not there any improvements that need to be made to manage future cases.
 - (19) In the most serious cases, providers of probation services will offer to share findings of a Serious Further Offence Review with the victim or their families following conviction of the offender. If this occurs you have the right to be contacted by your Victim Liaison Officer, to be asked whether you would like to meet with a senior manager from the provider of probation services to talk about the findings of the Serious Further Offence Review, and if you would like a copy of the report.
- 34 (1) If you believe you have not received any of your rights under this Code you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at the relevant service provider.
- (2) If you remain unhappy, or you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through the service provider's internal complaint's procedure. They will provide you with information about their complaint's procedure and respond within the timescales set out in this procedure.

- (3) If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know.
- (4) If you are still not satisfied after you have finished the service provider's complaint's procedure, or they are taking too long to get back to you, you can ask your Member of Parliament to refer your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.
- (5) Further information about making a complaint to the Ombudsman can be found on their website or by calling their Customer Helpline on: 0345 015 4033."

Clause 44

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

- 123** 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
LORD BURNETT OF MALDON

- 124** Clause 44, page 45, leave out lines 16 to 18

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

- 125** 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
LORD BURNETT OF MALDON

- 126** 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
LORD BURNETT OF MALDON

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

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

128 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
LORD BURNETT OF MALDON

129 Clause 46, page 50, line 12, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER
LORD HODGSON OF ASTLEY ABBOTTS

130 Clause 46, page 52, line 14, at end insert –

“(ii) at the end of the definition of “the qualifying period” insert “in the case of a person serving a sentence of imprisonment for public protection and one and a half years beginning with the date of his release in the case of a person serving a sentence of detention for public protection.””

Member's explanatory statement

This amendment would halve the qualifying period for men and women who were sentenced as children in line with other statutory provisions, such as when convictions become “spent”, to reflect the principle that children change in a shorter period than adults.

Clause 47

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

131 Clause 47, page 50, line 23, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

After Clause 47

BARONESS ROYALL OF BLAISDON
 BARONESS BRINTON
 LORD RUSSELL OF LIVERPOOL

132 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
LORD RUSSELL OF LIVERPOOL

133 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.””

Clause 48

LORD THOMAS OF CWMGIEDD
 LORD GARNIER
 LORD BLUNKETT
 BARONESS BURT OF SOLIHULL

134 Clause 48, page 51, line 3, at end insert –

“(ba) after subsection (3) insert –

“(3A) Where –

- (a) the prisoner has been released on licence under this Chapter,
 - (b) the qualifying period has expired, and
 - (c) his case has been considered for termination previously by the Parole Board and a period of at least twelve months has expired since the disposal of that application,
- the prisoner may make an application to the Parole Board under this subsection.””

Member's explanatory statement

This amendment would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD THOMAS OF CWMGIEDD
 LORD GARNIER
 LORD BLUNKETT
 BARONESS BURT OF SOLIHULL

135 Clause 48, page 51, line 5, after “reference” insert “or application”

Member's explanatory statement

This amendment would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD THOMAS OF CWMGIEDD
 LORD GARNIER
 LORD BLUNKETT
 BARONESS BURT OF SOLIHULL

136 Clause 48, page 51, line 5, after “(3)” insert “or (3A)”

Member's explanatory statement

This amendment would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD CARTER OF HASLEMERE
LORD GARNIER
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

137 Clause 48, page 52, line 12, at end insert –

- “(4I) The prisoner’s licence will be considered to have remained in force for the purposes of subsection (4H)(c) if –
- (a) the prisoner has been recalled within that period,
 - (b) the Secretary of State has released the prisoner again on licence in accordance with his powers under section 32(5B), and
 - (c) the Secretary of State orders that the licence should be considered to have remained in force during the period of recall.”

Member's explanatory statement

This amendment would enable a person whom the Secretary of State has deemed suitable for executive release to benefit from the qualifying period as if the recall had not occurred, but only if Secretary of State considers this appropriate in all the circumstances.

LORD THOMAS OF CWMGIEDD
LORD GARNIER
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

138 Clause 48, page 52, line 12, at end insert –

- “(4I) The prisoner’s licence will be considered to have remained in force for the purposes of subsection (4H)(c) if –
- (a) the prisoner has been recalled within that period,
 - (b) the Parole Board has determined that the recall was inappropriate,
 - (c) the Parole Board has directed the prisoner’s re-release, and
 - (d) the prisoner has been released.”

Member's explanatory statement

This amendment would maintain the sunset Clause for the licence to cease where a person has been recalled during the two year period but the Parole Board has found the recall to be inappropriate in accordance with its duty to make such a determination as required by R(Calder) v the Secretary of State for Justice [2015] EWCA Civ 1050 and the Parole Board has found the prisoner suitable for re-release.

LORD THOMAS OF CWMGIEDD
LORD GARNIER
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

139 Clause 48, page 52, line 17, leave out “change” and insert “reduce”

Member's explanatory statement

This amendment would revise the power of the Secretary of State to change the qualifying period by secondary legislation so that he could only reduce the length of the period.

After Clause 48

BARONESS BURT OF SOLIHULL
LORD MOYLAN
THE LORD BISHOP OF GLOUCESTER

140 After Clause 48, insert the following new Clause—

“Imprisonment or detention for public protection: aftercare

- (1) Section 117 of the Mental Health Act 1983 (After-care) is amended as follows.
- (2) After subsection (1), insert—
 - “(1A) This section additionally applies to persons who are detained in prison following an indeterminate sentence of public protection under section 225 or 226 of the Criminal Justice Act 2003 and then cease to be detained and (whether or not immediately after so ceasing) leave prison where—
 - (a) the licence has not ceased to have effect under section 31A(2) of the Crime (Sentences) Act 1997;
 - (b) three years have elapsed since their latest parole eligibility date.”
- (3) After subsection (6), insert—
 - “(7) In this section, “after-care services”, in relation to a person specified in subsection (1A), means services which have both of the following purposes—
 - (a) meeting a need identified by the integrated care board or Local Health Board and of the local social services authority, and
 - (b) reducing the risk of a deterioration of the person’s mental condition.””

Member's explanatory statement

This new Clause introduces an additional aftercare duty to people on imprisonment for public protection who (i) have never been released and are three or more years after their tariff has expired; and (ii) have not yet had their licence terminated.

LORD BLUNKETT
BARONESS BURT OF SOLIHULL
LORD GARNIER
LORD HOPE OF CRAIGHEAD

141 After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: action plan

- (1) The Secretary of State must publish an updated action plan, the purpose of which is to ensure that all possible steps are taken to ensure the earliest possible safe release and progression of individuals sentenced to imprisonment or detention for public protection.
- (2) To advance the purpose outlined in subsection (1), the action plan must make provision for annual scrutiny of the IPP action plan, including progress on –
 - (a) increasing the release rate,
 - (b) improving sentence progression,
 - (c) reducing the recall rate,
 - (d) increasing the number of licence terminations,
 - (e) reducing the rate of self-harm and self-inflicted death, and
 - (f) steps taken to provide additional support to secure the safe release at the earliest possible time,of people serving indeterminate sentences of imprisonment and detention for public protection.
- (3) The Secretary of State must prepare a draft of the action plan.
- (4) In preparing the draft the Secretary of State must consult with and have regard to the views of the HMPPS senior IPP progression board and the independent scrutiny panel.
- (5) To accompany the action plan the Secretary of State must produce a code of practice covering all aspects of steps necessary to achieve progression, after drawing up the detail in consultation with bodies outlined in subsection (4).
- (6) An annual report by the HMPPS senior IPP progression board must be submitted to the Secretary of State on its work during the year.
- (7) The Secretary of State must lay a copy of the report before Parliament and place copies in the Library of both Houses.”

Member's explanatory statement

This new clause would require the Secretary of State to publish an IPP action plan with a stated purpose and for HMPPS to publish an annual report on its work in progressing the plan. A copy of the report must be submitted to the Secretary of State and a copy laid before Parliament.

LORD BLUNKETT
BARONESS BURT OF SOLIHULL
LORD GARNIER
LORD HOPE OF CRAIGHEAD

142 After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: independent scrutiny panel

- (1) There is to be an independent scrutiny panel on the indeterminate sentences of imprisonment and detention for public protection.
- (2) The panel is established to –
 - (a) ensure that ministers and officials give the progression of individuals under these sentences priority attention;
 - (b) receive reports on trends of the welfare, progression, release, recall and licence termination in this cohort and the particular issues affecting individuals with protected characteristics in each of these categories;
 - (c) commission research where the evidence indicates that this is necessary;
 - (d) scrutinise progress against, and input into, the Government’s IPP action plan;
 - (e) advise ministers and officials on any changes in legislation or policy that may be required.
- (3) In meeting its objective under subsection (2), the panel is entitled to –
 - (a) receive updates from the senior IPP progression board on the progress of the IPP action plan;
 - (b) receive updates from the senior IPP progression board on the outcomes of its board meetings;
 - (c) require the attendance of a member or members of the senior IPP progression board at panel meetings;
 - (d) make recommendations to be presented to the senior IPP progression board.
- (4) The panel must, as soon as practicable after the end of each financial year, report to the Secretary of State on its work during the year.
- (5) The Secretary of State must annually lay a copy of the report before Parliament and place copies in the Library of both Houses.
- (6) The panel must publish the report once a copy has been so laid.
- (7) Within three months of receiving a report from the panel, the Secretary of State must respond outlining how they will –
 - (a) implement, or
 - (b) provide reasons for departing fromthe recommendations of the report.
- (8) The Secretary of State must lay a copy of the response before Parliament and place copies in the Library of both Houses.

- (9) The panel is to consist of at least 8 members appointed by the Secretary of State.
- (10) The Secretary of State must appoint a chair of the panel.
- (11) In exercising their responsibilities under subsection (10), the Secretary of State must seek approval for their choice of chair from the Justice Committee in the House of Commons.
- (12) A person is eligible to be a member of the independent scrutiny panel if the person appears to the Secretary of State to have experience in one or more of the following areas –
 - (a) judiciary;
 - (b) criminal defence or prosecution;
 - (c) sentencing policy and the administration of justice;
 - (d) prisons and probation;
 - (e) psychology and psychiatry;
 - (f) academic study or research relating to criminal law or criminology;
 - (g) independent inspection and scrutiny of the criminal justice system;
 - (h) the investigation of complaints;
 - (i) the welfare of prisoners;
 - (j) people on an IPP sentences or their families;
 - (k) criminal justice reform and rehabilitation charities.
- (13) The Secretary of State may by order make provision for –
 - (a) the term of office, resignation, and reappointment of panel members,
 - (b) the remuneration of panel members, and
 - (c) the budget of the panel.”

Member's explanatory statement

This new clause would establish an independent scrutiny panel to ensure ministers and officials give the IPP sentence priority attention and scrutinise progress against the IPP action plan.

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER
LORD HODGSON OF ASTLEY ABBOTTS

143 After Clause 48, insert the following new Clause –

“Enhanced sentence progression for individuals sentenced to detention for public protection who have not been released

After section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners) insert –

“28ZA Duty of enhanced progression for individuals sentenced to detention for public protection

- (1) This section applies to a person serving a sentence of detention for public protection who has not been released on licence by the Parole Board.

- (2) It is the duty of the Secretary of State to convene sentence planning meetings at least every six months in respect of a person falling within subsection (1) with a view to setting out what steps should be taken to enable their safe release at the earliest possible time.
- (3) The following people should, where appropriate, be invited to attend the meetings convened in accordance with subsection (2) –
 - (a) the prisoner;
 - (b) key worker or personal officer;
 - (c) community offender manager;
 - (d) psychologist.””

Member's explanatory statement

This would require the Secretary of State to convene a sentence planning meeting at least twice a year to ensure steps are taken to enable safe release at the earliest possible opportunity where a DPP is “stuck” either at first instance or following recall, with the relevant professionals in attendance. This would replace the current policy of annual sentence planning meetings.

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER
LORD HODGSON OF ASTLEY ABBOTTS

144 After Clause 48, insert the following new Clause –

“Annual referrals for individuals sentenced to detention for public protection

In section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners), after subsection (6A) insert –

- “(6B) In the case of a person serving a sentence of detention for public protection, there is a presumption that the Secretary of State will refer his case to the Parole Board at any time –
- (a) after he has served the relevant part of his sentence, and
 - (b) where there has been a previous reference of his case to the Board, no later than the period of one year beginning with the disposal of that reference.””

LORD MOYLAN
LORD BLUNKETT
LORD HOPE OF CRAIGHEAD
BARONESS BURT OF SOLIHULL

145 After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: release test

- (1) This section applies to a prisoner serving a sentence of imprisonment or detention for public protection who has served a period of imprisonment or detention –

- (a) in excess of the maximum determinate sentence provided by law for the offence or offences for which they were convicted, or
 - (b) 10 years or more beyond the minimum term of their sentence.
- (2) In the case of a prisoner to whom this section applies –
- (a) the Secretary of State must by order pursuant to section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) direct that, following the prisoner's referral to the Parole Board, they will be released unless the Board is satisfied by the detaining authority that it remains necessary and proportionate for the protection of the public from serious harm that they should continue to be confined;
 - (b) section 28ZA of the Crime (Sentences) Act 2017 (public protection decisions) does not apply.”

Member's explanatory statement

This amendment would alter the release test applied by the Parole Board for certain prisoners serving a sentence of detention or imprisonment for public protection under the existing powers of section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

LORD CARTER OF HASLEMERE
LORD GARNIER
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

146 After Clause 48, insert the following new Clause –

“Release of recalled prisoner serving an indeterminate sentence

In section 32(5A) of the Crime (Sentences) Act 1997 (recall of life prisoners while on licence), at end insert –

- “(5B) Where a prisoner serving an indeterminate sentence of detention or imprisonment for public protection is recalled under subsection (1), the Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again under this section.
- (5C) The Secretary of State must not release a prisoner under subsection (5B) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that the prisoner should remain in prison.””

Member's explanatory statement

This amendment would create a power that mirrors the powers that the Secretary of State already has under s255C(2) of the Criminal Justice Act 2003 to release a prisoner serving a fixed term sentence who has been recalled without referring to the Parole Board, subject to their own risk assessment. This enables the Secretary of State to quickly re-release a person who they consider can be safely released following further information.

BARONESS BLOWER
LORD GARNIER
BARONESS BURT OF SOLIHULL

147 After Clause 48, insert the following new Clause –

“Appointment of persons to represent IPP prisoners’ interests

- (1) The Secretary of State may by regulations establish a list of “Imprisonment for Public Protection Mentors and Advocates” (“IPP Mentors”) to act on behalf of an IPP prisoner.
- (2) “IPP prisoner” means a person sentenced to imprisonment for public protection under the Criminal Justice Act 2003.
- (3) For the purposes of subsection (1) and subject to subsection (4), the Secretary of State must prescribe the minimum qualifications for a person to be appointed as an IPP Mentor.
- (4) A person may not act as an IPP Mentor unless the following conditions are satisfied –
 - (a) the person has appropriate experience or training or an appropriate combination of experience and training,
 - (b) the person is of integrity and good character, and
 - (c) the person is able to act independently of any other person who is professionally concerned with the offender’s continuing imprisonment.
- (5) The Secretary of State may pay an IPP Mentor amounts –
 - (a) by way of remuneration, pensions, allowances, or gratuities, and
 - (b) sums in respect of their expenses.
- (6) A person appointed as an IPP Mentor may –
 - (a) visit and advise an IPP prisoner at the establishment where they are imprisoned,
 - (b) assist and support an IPP prisoner at their parole board hearing, and
 - (c) visit and advise an IPP prisoner who has been released on licence.
- (7) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An offender who has exceeded their minimum tariff period may ask for the assistance of an IPP Mentor.
- (9) An IPP Mentor will not be entitled to provide legal advice to an IPP prisoner.”

Member's explanatory statement

This clause is designed to enable the Secretary of State to appoint a small number of independent mentors and advocates who will assist over-tariff prisoners sentenced to imprisonment for public protection. These individuals will not provide legal advice but will provide practical advice and assistance to help such prisoners formulate a release plan; will support them at their Parole Board

hearing and on release; and will signpost relevant services (including mental health services where necessary) to enable them to get out and stay out of prison.

LORD CARTER OF HASLEMERE
LORD MOYLAN
BARONESS BURT OF SOLIHULL

148 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.

LORD BLUNKETT

149 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 49

LORD MARKS OF HENLEY-ON-THAMES

150 Leave out Clause 49

Clause 50

LORD MARKS OF HENLEY-ON-THAMES

151 Leave out Clause 50

Clause 51

LORD MARKS OF HENLEY-ON-THAMES

152 Leave out Clause 51

Clause 52

LORD MARKS OF HENLEY-ON-THAMES

153 Leave out Clause 52

Clause 53LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

154 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 54LORD THOMAS OF CWMGIEDD
LORD MARKS OF HENLEY-ON-THAMES

155 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

156 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.

Clause 59

LORD BELLAMY

157 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.*

Victims and Prisoners Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

12 April 2024

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