

# Victims and Prisoners Bill

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AMENDMENT  
TO BE MOVED  
ON REPORT

*[Supplementary to the Third Marshalled List]*

**After Clause 48**

LORD THOMAS OF CWMGIEDD  
LORD BLUNKETT

After Clause 48, insert the following new Clause –

**“Imprisonment or detention for public protection: release test II**

- (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 not be released unless the Board is satisfied that, having regard to the proportionality of the term served to the seriousness of the offence or offences of which they were convicted, and any other relevant factors, it is no longer necessary for the protection of the public that they should continue to be confined;
  - (b) section 28ZA of the Crime (Sentences) Act 1997 (public protection decisions) does not apply.”

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*10 May 2024*

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