

Victims and Prisoners Bill

FOURTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 15th April 2024, as follows –

Clauses 1 to 42
Schedule

Clauses 43 to 62
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 41

LORD BELLAMY

119YD Clause 41, page 39, line 12, leave out from second “the” to end of line 13 and insert “High Court.”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

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”

LORD BELLAMY

120A Clause 41, page 39, line 32, at end insert –

“(5) In section 32ZZA (imprisonment or detention for public protection: powers in relation to release of recalled prisoners) (inserted by section 48 of this Act), after subsection (3) insert –

“(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit

a further offence the commission of which would cause serious harm (and section 28ZA(4) applies for the purposes of that assessment).””

Member's explanatory statement

This amendment is consequential on my amendment of Clause 48, page 52, line 27, inserting new section 32ZZA of the Crime (Sentences) Act 1997.

Clause 42

LORD BELLAMY

120B Clause 42, page 41, line 6, leave out from second “the” to end of line 7 and insert “High Court;”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

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

LORD BELLAMY

121A Before the Schedule, insert the following new Schedule –

“SCHEDULE

INFECTED BLOOD COMPENSATION AUTHORITY

PART 1

CONSTITUTION

5

Membership

- 1 (1) The IBCA is to consist of—
- (a) a Chair (who is to be a non-executive member),
 - (b) at least 3, but not more than 6, other non-executive members,
 - (c) a chief executive, and
 - (d) at least 2, but not more than 5, other executive members.
- (2) The members are to be appointed in accordance with paragraphs 2 to 4.
- (3) A person exercising a power of appointment in accordance with those paragraphs must when doing so ensure, so far as practicable, that the number

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15 of non-executive members is at all times greater than the number of executive members.

Appointment of non-executive members

- 20 2 (1) The Chair is to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (2) The other non-executive members are to be appointed by the Chair except for the first three who are to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (3) A person may not be appointed as a non-executive member if the person is a member of the IBCA's staff.

25 *Appointment of executive members*

- 3 (1) The chief executive and the other executive members are to be appointed by the Chair.
- (2) The executive members are to be members of the IBCA's staff.

Appointments of members: eligibility

- 30 4 (1) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about criteria which must be met by persons in order to be appointed as members of the IBCA.
- (2) The regulations may make provision for a person to cease to be a member of the IBCA if the person no longer meets those criteria.

35 *Terms of membership*

- 5 (1) A member of the IBCA holds and vacates office in accordance with the terms of the member's appointment (subject to this Schedule).
- (2) A member may resign from office by giving notice to the appropriate person.
- (3) A member may be removed from office by notice given by the appropriate person on the grounds that the member –
- 40 (a) has without reasonable excuse failed to discharge the member's functions, or
- (b) is, in the opinion of the appropriate person, unable or unfit to carry out the member's functions.
- 45 (4) A person ceases to be –
- (a) a non-executive member of the IBCA upon becoming a member of its staff;
- (b) an executive member of the IBCA upon ceasing to be a member of its staff.
- 50 (5) In this paragraph "appropriate person" means –
- (a) in the case of the Chair, the Secretary of State or the Minister for the Cabinet Office;

- (b) in the case of any other member of the IBCA, the Chair.

Non-executive members: payments

- 55 6 (1) The IBCA must pay, or make provision for the payment of, such remuneration,
pensions, allowances or gratuities as the Secretary of State or the Minister for
the Cabinet Office determines to or in respect of a person who is or has been –
- 60 (a) the Chair, or
(b) a non-executive member appointed by the Secretary of State or the
Minister for the Cabinet Office under paragraph 2(2).
- (2) The IBCA must pay, or make provision for the payment of, such remuneration,
pensions, allowances or gratuities as the Chair determines to or in respect of a
person who is or has been a non-executive member appointed by the Chair
under paragraph 2(2).
- 65 (3) Sub-paragraph (4) applies if –
(a) a person ceases to be the Chair or a non-executive member appointed
by the Secretary of State or the Minister for the Cabinet Office under
paragraph 2(2), and
(b) the Secretary of State or the Minister for the Cabinet Office determines
70 that the person should be compensated because of special circumstances.
- (4) Where this sub-paragraph applies, the IBCA must pay the person compensation
of such amount as the Secretary of State or the Minister for the Cabinet Office
may determine.
- 75 (5) Sub-paragraph (6) applies if –
(a) a person ceases to be a non-executive member appointed by the Chair
under paragraph 2(2), and
(b) the Chair determines that the person should be compensated because
of special circumstances.
- 80 (6) Where this sub-paragraph applies, the IBCA must pay the person compensation
of such amount as the Chair may determine.

Staffing

- 7 (1) The IBCA may –
(a) appoint employees, and
85 (b) make such other arrangements for the staffing of the IBCA as it
determines.
- (2) The IBCA must pay its staff such remuneration as may be determined in
accordance with this paragraph.
- (3) The IBCA must pay, or make provision for the payment of, such pensions,
allowances, gratuities or compensation as may be determined in accordance
90 with this paragraph to or in respect of any person who is or has been a member
of staff of the IBCA.
- (4) Members of staff of the IBCA are to be appointed on such other terms as may
be determined in accordance with this paragraph.

- 95 (5) A matter is determined in accordance with this paragraph if—
- (a) in the case of a matter which relates to an executive member, it is determined by the Chair;
 - (b) in the case of a matter which relates to any other member of staff, it is determined by the IBCA.
- 100 (6) Before making a determination as to remuneration, pensions, allowances, gratuities or compensation for the purposes of sub-paragraph (2) or (3), the IBCA must obtain the approval of the Secretary of State or the Minister for the Cabinet Office as to its policy on that matter.

Interim chief executive

- 105 8 (1) The Secretary of State or the Minister for the Cabinet Office may appoint a person as an executive member to act as chief executive of the IBCA (“an interim chief executive”) until the appointment of the first chief executive by the Chair under paragraph 3(1).
- 110 (2) An interim chief executive may incur expenditure and do other things in the name of and on behalf of the IBCA until the appointment of the first chief executive by the Chair under paragraph 3(1).
- (3) In exercising the power in sub-paragraph (2), an interim chief executive must act in accordance with any directions given by the Secretary of State or the Minister for the Cabinet Office.
- (4) Paragraphs 3, 5 and 7 do not apply to an interim chief executive.

115 *Committees and sub-committees*

- 120 9 (1) The IBCA may appoint such committees and sub-committees as it considers appropriate.
- (2) A committee or sub-committee may consist of or include persons who are neither members, nor members of staff, of the IBCA.
- (3) The IBCA may pay such remuneration and allowances as it may determine to any person who—
- (a) is a member of a committee or a sub-committee, but
 - (b) is not a member of staff of the IBCA,
- whether or not that person is a non-executive member of the IBCA.

125 *Procedure*

- 130 10 (1) The IBCA may determine its own procedure and the procedure of any of its committees or sub-committees.
- (2) The validity of any proceedings of the IBCA, or any committee or sub-committee of the IBCA, is not affected by any vacancy among its members or by any defect in the appointment of such a member.

Exercise of functions

- 11 (1) The IBCA must have regard to the need to exercise its functions effectively, efficiently and economically.
- 135 (2) The IBCA may delegate any of its functions to—
- (a) a member of the IBCA,
 - (b) a member of the IBCA's staff authorised for that purpose, or
 - (c) any committee or sub-committee.
- (3) A function may be delegated to the extent and on the terms that the IBCA determines.

Funding

- 140 12 (1) The Secretary of State or the Minister for the Cabinet Office must pay to the IBCA—
- 145 (a) such sums as are required to meet payments made by the IBCA under the infected blood compensation scheme, and
 - (b) such other sums as the Secretary of State or the Minister for the Cabinet Office considers are reasonably sufficient to enable the IBCA to carry out its functions.
- (2) Payments under sub-paragraph (1)(b) may be made subject to conditions.
- 150 (3) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about what the IBCA must do with any sums repaid to it by virtue of section (*Payments*)(5) (which may include provision requiring the sums to be paid to the Secretary of State or the Minister for the Cabinet Office).

Annual report

- 155 13 (1) As soon as reasonably practicable after the end of each financial year the IBCA must prepare a report on the exercise of its functions during that financial year.
- (2) The IBCA must send the report to the Secretary of State or the Minister for the Cabinet Office.
- (3) The Secretary of State or the Minister for the Cabinet Office must lay the report before Parliament.

Accounts and audit

- 160 14 (1) The IBCA must—
- 165 (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year in the form specified by the Secretary of State or the Minister for the Cabinet Office.
- (2) The IBCA must send a copy of each statement of accounts to the Secretary of State or the Minister for the Cabinet Office, and the Comptroller and Auditor General, as soon as practicable after the end of the financial year to which the statement relates.

- 170 (3) The Comptroller and Auditor General must –
 (a) examine, certify and report on each statement of accounts, and
 (b) send a copy of each report and certified statement to the Secretary of
 State or the Minister for the Cabinet Office.
- 175 (4) The Secretary of State or the Minister for the Cabinet Office must lay before
Parliament a copy of each such report and certified statement.

Meaning of “financial year”

- 15 In this Schedule “financial year” means –
 (a) the period beginning with the date on which the IBCA is established
 and ending with 31 March following that date, and
180 (b) each successive period of 12 months.

Provision of information

- 16 The IBCA must provide to the Secretary of State or the Minister for the Cabinet
Office such information relating to the IBCA’s functions as they may request.

Status

- 185 17 (1) The IBCA is not to be regarded –
 (a) as the servant or agent of the Crown, or
 (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IBCA’s property is not to be regarded as property of, or property held on
behalf of, the Crown.
- 190 (3) Service as a member, or a member of staff, of the IBCA is not service in the civil
service of the State.

Seal and evidence

- 18 (1) The application of the IBCA’s seal must be authenticated by a signature of –
 (a) a member of the IBCA, or
195 (b) another person authorised for that purpose by the IBCA.
- (2) A document purporting to be duly executed under the IBCA’s seal or signed
on its behalf –
 (a) is to be received in evidence, and
200 (b) is to be taken to be executed or signed in that way, unless the contrary
is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is
to be, signed in accordance with the law of Scotland.

Supplementary powers

- 205 19 The IBCA may do anything it thinks appropriate for the purposes of, or in
connection with, its functions.

PART 2

TRANSFER SCHEMES

Power to make transfer schemes

- 210 20 (1) The Secretary of State or the Minister for the Cabinet Office may make one or more schemes (“transfer schemes”) for the purpose of transferring to the IBCA such property, rights and liabilities of a relevant person as the Secretary of State or Minister considers appropriate for the purposes of enabling the IBCA to carry out its functions under or by virtue of this Act.
- 215 (2) In this paragraph “relevant person” means—
- (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;
 - (c) a Special Health Authority established under section 28 of the National Health Service Act 2006;
 - (d) the Welsh Ministers;
 - 220 (e) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
 - (f) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
 - (g) the Scottish Ministers;
 - 225 (h) a person who has at any time been appointed by the Scottish Ministers under section 28(4)(d) of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) to manage a scheme under that section;
 - (i) the Department of Health in Northern Ireland;
 - 230 (j) the Regional Business Services Organisation established by section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1 (N.I)).
- (3) A transfer scheme may not be made—
- (a) in relation to a relevant person within sub-paragraph (2)(d), (e) or (f), unless the Welsh Ministers consent;
 - 235 (b) in relation to a relevant person within sub-paragraph (2)(g) or (h), unless the Scottish Ministers consent;
 - (c) in relation to a relevant person within sub-paragraph (2)(i) or (j), unless the Department of Health in Northern Ireland consents.
- (4) The things that may be transferred under a transfer scheme include—
- 240 (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- 245 (5) A transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;

- 250 (b) make provision about the continuing effect of things done by a relevant person in respect of anything transferred;
- (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, a relevant person in respect of anything transferred;
- 255 (d) make provision for references to an interim compensation authority in an instrument or other document in respect of anything transferred to be treated as references to the IBCA;
- (e) make provision for the shared ownership or use of property;
- (f) make provision which is the same as or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246);
- 260 (g) make other supplemental, incidental, transitional or consequential provision.
- (6) A transfer scheme may provide for –
- (a) modifications by agreement;
- 265 (b) modifications to have effect from the date when the original scheme came into effect.
- (7) For the purposes of this paragraph –
- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
- (b) references to the transfer of property include the grant of a lease.
- 270 (8) For the purposes of sub-paragraph (7) –
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
- (b) the terms of the individual's employment in the civil service of the State are to be regarded as constituting the terms of the contract of employment.
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Tax treatment of transfer schemes

- 21 (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to –
- 280 (a) anything transferred under a scheme under paragraph 20, or
- (b) anything done for the purposes of, or in relation to, a transfer under such a scheme.
- (2) The provision which may be made under sub-paragraph (1)(a) includes in particular provision for –
- 285 (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred;
- (b) anything transferred to be treated in a specified way for the purposes of a tax provision;
- (c) the Secretary of State or the Minister for the Cabinet Office to be required or permitted to determine, or specify the method for determining,

- 290 anything which needs to be determined for the purposes of any tax
provision so far as relating to anything transferred.
- (3) The provision which may be made under sub-paragraph (1)(b) includes in
particular provision for –
- 295 (a) a tax provision not to apply, or to apply with modifications, in relation
to anything done for the purposes of or in relation to the transfer;
- (b) anything done for the purposes of, or in relation to, the transfer to have
or not have a specified consequence or be treated in a specified way;
- 300 (c) the Secretary of State or the Minister for the Cabinet Office to be required
or permitted to determine, or specify the method for determining,
anything which needs to be determined for the purposes of any tax
provision so far as relating to anything done for the purposes of, or in
relation to, the transfer.
- (4) In this paragraph references to the transfer of property include the grant of a
lease.
- 305 (5) In this paragraph –
“relevant tax” means income tax, corporation tax, capital gains tax, value
added tax, stamp duty or stamp duty reserve tax;
“tax provision” means any legislation about a relevant tax.

PART 3

310 AMENDMENTS

Public Records Act 1958 (c. 51)

- 22 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act
1958 (definition of public records), at the appropriate place insert –
“The Infected Blood Compensation Authority.”

315 *Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 23 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 –
- (a) in paragraph 1 (bodies in England and Wales to which the Act applies),
at the end insert –
“(q) the Infected Blood Compensation Authority.”;
- 320 (b) in paragraph 2 (bodies in Scotland to which the Act applies), at the end
insert –
“(g) the Infected Blood Compensation Authority.”

Parliamentary Commissioner Act 1967 (c. 13)

- 24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject
325 to investigation), at the appropriate place insert –
“The Infected Blood Compensation Authority.”

House of Commons Disqualification Act 1975 (c. 24)

25 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, at the appropriate place insert –

330 “The Infected Blood Compensation Authority.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

26 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, at the appropriate place insert –

“The Infected Blood Compensation Authority.”

335 *Freedom of Information Act 2000 (c. 36)*

27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies), at the appropriate place insert –

“The Infected Blood Compensation Authority.”

Equality Act 2010 (c. 15)

340 28 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), under the heading “Health, social care and social security”, at the appropriate place insert –

“The Infected Blood Compensation Authority.””

Member's explanatory statement

This amendment makes provision about the constitution of the Infected Blood Compensation Authority, for the transfer of property, rights and liabilities to and from the Authority and for various enactments to apply in relation to the Authority.

BARONESS BRINTON
BARONESS FINLAY OF LLANDAFF
BARONESS CAMPBELL OF SURBITON

As an amendment to Amendment 121A

121B In paragraph 1(1)(a) leave out “(who is to be a non-executive member)” and insert “who is or has been a judge of the High Court (England and Wales, or of Northern Ireland), or of the Court of Session (Scotland), and must be appointed within 3 months of the passing of this Act”

BARONESS FEATHERSTONE
As an amendment to Amendment 121A

121BA Leave out paragraph 1(1)(b) and insert –

“(b) 8 other non-executive members,”

BARONESS MEACHER

As an amendment to Amendment 121A

121BB In paragraph 1(1)(b), leave out “3” and insert “4”

BARONESS BRINTON
BARONESS FINLAY OF LLANDAFF

As an amendment to Amendment 121A

121C In paragraph 1(1)(b) leave out “6” and insert “9”

BARONESS BRINTON
BARONESS FINLAY OF LLANDAFF

As an amendment to Amendment 121A

121D In paragraph 1(1)(b) at end insert “at least 3 of whom must be a mix of infected and affected persons”

BARONESS MEACHER

As an amendment to Amendment 121A

121E In paragraph 1(1)(b), at end insert “at least 4 of whom must be a mix of infected and affected persons, and which must include at least one person representing each of Scotland, England, Wales and Northern Ireland,”

BARONESS FEATHERSTONE
As an amendment to Amendment 121A

121F Leave out paragraph 1(1)(d) and insert –
“(d) 3 other executive members.”

BARONESS FEATHERSTONE
BARONESS CAMPBELL OF SURBITON
As an amendment to Amendment 121A

121G [*Withdrawn*]

BARONESS FEATHERSTONE
As an amendment to Amendment 121A
This amendment is intended to replace Amendment 121G

121GA Leave out paragraph 2 and insert –
“2 (1) The Chair is to be appointed by the Lord Chief Justice.

- (2) The Chair must be a High Court judge or a judge of the Court of Session.
- (3) The other non-executive members are to be appointed by the Chair.
- (4) Four of the other non-executive members must be people infected or affected by blood contamination or people representing such interests and must be from all four home nations”

BARONESS MEACHER
BARONESS CAMPBELL OF SURBITON
As an amendment to Amendment 121A

121H In paragraph 2(2), leave out from “Chair” to the end

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 BELLAMY

122A Clause 44, page 44, line 34, leave out "relevant court" and insert "High Court"

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

122B Clause 44, page 44, line 35, leave out "relevant court" and insert "High Court"

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

122C Clause 44, page 45, line 4, leave out "relevant court" and insert "High Court"

Member's explanatory statement

This amendment provides for the High Court to determine all prisoner release cases referred by the Secretary of State under section 32ZAA of the Crime (Sentences) Act 1997 inserted by Clause 44.

LORD BELLAMY

122D Clause 44, page 45, line 8, leave out "relevant court" and insert "High Court"

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

122E Clause 44, page 45, line 11, at end insert –

- “(2A) The requirement for the Secretary of State to give effect to the Parole Board’s direction to release the prisoner is suspended –
- (a) during such period, beginning with the day on which the direction is given, as the Secretary of State reasonably requires to determine whether to direct the Parole Board to refer the prisoner’s case to the High Court under this section, and
 - (b) if the Secretary of State gives such a direction, pending determination of the reference under section 32ZAC(1).”

Member's explanatory statement

This amendment suspends requirements to release a prisoner while the Secretary of State is considering whether to refer the prisoner’s case to the High Court and until any such reference is determined.

LORD BELLAMY

122F Clause 44, page 45, leave out lines 12 to 18

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

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 BELLAMY

124A Clause 44, page 45, leave out lines 23 to 25

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 11.

LORD BELLAMY

124B Clause 44, page 46, line 40, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

124C Clause 44, page 46, line 41, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

124D Clause 44, page 47, leave out lines 12 and 13

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

LORD BELLAMY

124E Clause 44, page 47, line 16, leave out “Upper Tribunal or”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

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”

LORD BELLAMY

125A Clause 44, page 47, line 17, at end insert –

“(b) in subsection (3), after “subject to” insert “–

(a) section 32ZAA(2A) (suspension of duty to release prisoner pending referral to High Court or decision whether to refer),
and

(b)””

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 11.

Clause 45

LORD BELLAMY

125B Clause 45, page 47, line 20, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

125C Clause 45, page 47, line 21, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

125D Clause 45, page 47, line 28, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment provides for the High Court to determine all prisoner release cases referred by the Secretary of State under section 256AZBA of the Criminal Justice Act 2003 inserted by Clause 45.

LORD BELLAMY

125E Clause 45, page 47, line 31, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

125F Clause 45, page 47, line 34, at end insert –

- “(2A) The requirement for the Secretary of State to give effect to the Board’s direction to release the prisoner is suspended –
- (a) during such period, beginning with the day on which the direction is given, as the Secretary of State reasonably requires to determine whether to direct the Board to refer the prisoner’s case to the High Court under this section, and
 - (b) if the Secretary of State gives such a direction, pending determination of the reference under section 256AZBC(1).”

Member's explanatory statement

This amendment suspends requirements to release a prisoner while the Secretary of State is considering whether to refer the prisoner's case to the High Court and until any such reference is determined.

LORD BELLAMY

125G Clause 45, page 47, line 35, leave out from beginning to end of line 3 on page 48

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

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 BELLAMY

127A Clause 45, page 48, leave out lines 8 to 10

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 34.

LORD BELLAMY

127B Clause 45, page 49, line 21, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

127C Clause 45, page 49, line 22, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

127D Clause 45, page 49, leave out lines 34 and 35

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

127E Clause 45, page 49, line 36, leave out “relevant court” and insert “High Court”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

LORD BELLAMY

127F Clause 45, page 49, line 42, leave out “Upper Tribunal or”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

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”

LORD BELLAMY

128A Clause 45, page 50, line 2, at end insert –

“(b) in subsection (3), after “subject to” insert “–

(a) section 256AZBA(2A) (suspension of duty to release prisoner pending referral to High Court or decision whether to refer), and

(b)””

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 34.

Clause 46

LORD BELLAMY

- 128B** Clause 46, page 50, line 7, leave out subsection (2) and insert –
 “(2) In subsection (3), before paragraph (b) (and the “or” before it) insert –
 “(ab) in accordance with subsection (3A),”.”

Member's explanatory statement

This amendment is consequential on the amendments of section 31 of the Crime (Sentences) Act 1997 made by my amendment of Clause 48, page 50, line 31.

LORD BELLAMY

- 128C** Clause 46, page 50, line 11, leave out “After subsection (3)” and insert “Before subsection (4)”

Member's explanatory statement

This amendment is consequential on the amendments of section 31 of the Crime (Sentences) Act 1997 made by my amendment of Clause 48, page 50, line 31.

LORD BELLAMY

- 128D** Clause 46, page 50, line 12, leave out “Upper Tribunal or”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 44, page 45, line 4.

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** [*Withdrawn*]

Clause 47

LORD BELLAMY

- 130A** Clause 47, page 50, line 23, leave out “Upper Tribunal or”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 45, page 47, line 28.

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
BARONESS THORNTON

- 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
 BARONESS THORNTON

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) they are 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 BELLAMY

- 133A** Clause 48, page 50, line 31, leave out from beginning to “is” and insert “Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences)”

Member's explanatory statement

This amendment clarifies that the amendments made by Clause 48 all relate to Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences).

LORD BELLAMY

- 133B** Clause 48, page 50, line 31, at end insert –

“(1A) In section 31 (duration and conditions of licences) –

(a) in subsection (3), after paragraph (a) (but before the “or”) insert –

“(aa) in accordance with subsection (3ZA),”;

(b) after subsection (3) insert –

“(3ZA) The Secretary of State may include a condition in a life prisoner's licence on release under section 32ZZA.””

Member's explanatory statement

This amendment is consequential on my amendment of Clause 48, page 52, line 27, inserting new section 32ZZA of the Crime (Sentences) Act 1997 and enables the Secretary of State to impose a condition in a prisoner's licence on release under that new section.

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 BELLAMY

138ZA Clause 48, page 52, line 13, after “(5)” insert “–

(i) for the definition of “preventive sentence” substitute –

““preventive sentence” means –

- (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
- (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);”

Member's explanatory statement

This amendment amends the definition of “preventive sentence” in section 31A(5) of the Crime (Sentences) Act 1997 to clarify the effect of previous amendments.

LORD BELLAMY

138ZB Clause 48, page 52, line 13, leave out ““ten” substitute “three”” and insert “the words from “the period” to the end of the definition substitute “–

- (a) if the prisoner was not at any time in the period of two years beginning with the date of the prisoner’s release serving any preventive sentence in respect of an offence for which the prisoner was convicted when aged 18 or over, that two year period;
- (b) otherwise, the period of three years beginning with the date of the prisoner’s release.””

Member's explanatory statement

This amendment provides for a shorter “qualifying period” for prisoners only serving preventive sentences imposed in respect of offences for which they were convicted when aged under 18.

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

138A Clause 48, 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.

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.

LORD BELLAMY

139ZA Clause 48, page 52, line 18, after “specified” insert “in paragraph (a) or (b) of the definition of “qualifying period””

Member's explanatory statement

This amendment is consequential on my amendment of Clause 48, page 52, line 13, which provides for a shorter “qualifying period” for prisoners only serving preventive sentences imposed in respect of offences for which they were convicted when aged under 18.

LORD BELLAMY

139A Clause 48, page 52, line 27, at end insert –

“(b) after subsection (5A) insert –

“(5B) Subsection (5C) applies where the Secretary of State releases, under subsection (5) above, a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies.

(5C) The Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner’s licence is to be treated as having remained in force as if it had not been revoked under this section.

(5D) The Secretary of State may only make a determination under subsection (5C) if the Secretary of State considers that it is in the interests of justice to do so.

(5E) Where the Secretary of State makes a determination under subsection (5C), the Secretary of State must notify the prisoner.””

Member's explanatory statement

This amendment enables the Secretary of State, when the Parole Board directs the re-release of a preventive sentence prisoner who is recalled to prison, to disregard the revocation of the prisoner's licence for the purposes of automatic licence termination under amendments made by Clause 48(2).

LORD BELLAMY

139B Clause 48, page 52, line 27, at end insert –

“(4) After section 32 insert –

“32ZZA Imprisonment or detention for public protection: powers in relation to release of recalled prisoners

- (1) This section applies where a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies –
 - (a) has been released on licence under this Chapter, and
 - (b) is recalled to prison under section 32.
- (2) The Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again on licence under this Chapter.
- (3) The Secretary of State must not release the prisoner under subsection (2) unless satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in prison.
- (4) Where the prisoner is released under subsection (2), the Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner's licence is to be treated as having remained in force as if it had not been revoked under section 32.
- (5) The Secretary of State may only make a determination under subsection (4) if the Secretary of State considers that it is in the interests of justice to do so.
- (6) Where the Secretary of State makes a determination under subsection (4), the Secretary of State must notify the prisoner.
- (7) In this section, “preventive sentence” means –
 - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
 - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006).”

Member's explanatory statement

This amendment enables the Secretary of State to re-release a preventive sentence prisoner who is recalled to prison and to disregard the revocation of the prisoner's licence for the purposes of automatic licence termination under amendments made by Clause 48(2).

After Clause 48

LORD BELLAMY

139C After Clause 48, insert the following new Clause –**“Imprisonment or detention for public protection: annual report**

- (1) The Secretary of State must, as soon as is reasonably practicable after the end of each reporting period –
 - (a) prepare and publish a report about the steps taken by the Secretary of State in the reporting period to support the rehabilitation of preventive sentence prisoners and their progress towards release from prison or licence termination, and
 - (b) lay the report before Parliament.
- (2) For these purposes, in relation to a preventive sentence prisoner –
 - (a) “release from prison” means the prisoner’s release on licence under section 28(5) or 32(5) of the 1997 Act or unconditional release under either of those sections as modified by section 31A(4G) of that Act;
 - (b) “licence termination” means an order, under section 31A(2) or (4H) of the 1997 Act, that the licence on which the prisoner was released from prison is to cease to have effect.
- (3) The report must in particular contain details of the steps taken in relation to the following –
 - (a) preventive sentence prisoners who are female;
 - (b) preventive sentence prisoners who at any time in the reporting period were serving a sentence mentioned in paragraph (b) of the definition of preventive sentence (detention for public protection for serious offences committed by those under 18).
- (4) The report must also contain details of the persons the Secretary of State has consulted in the reporting period in relation to the matters mentioned in subsection (1)(a).
- (5) In this section –
 - “the 1997 Act” means the Crime (Sentences) Act 1997;
 - “life sentence” has the meaning given by section 34(2) of the 1997 Act;
 - “preventive sentence” means –
 - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
 - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);
 - “preventive sentence prisoner”, in relation to a reporting period, means a prisoner who –

- (a) was serving one or more preventive sentences at any time in the period, and
 - (b) was not serving any other life sentence at any time in the period;
- “reporting period” means –
- (a) the period beginning with the day on which this section comes into force and ending with the 31 March following that day, and
 - (b) each successive period of 12 months.”

Member's explanatory statement

This new clause requires the Secretary of State to prepare, publish and lay before Parliament annual reports about the steps taken to support the rehabilitation of preventive sentence prisoners and their progress towards release from prison or licence termination.

BARONESS BURT OF SOLIHULL
LORD MOYLAN
THE LORD BISHOP OF GLOUCESTER
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
LORD GARNIER
BARONESS BLOWER
THE LORD BISHOP OF GLOUCESTER

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.”

LORD THOMAS OF CWMGIEDD
LORD BLUNKETT
LORD CARTER OF HASLEMERE
LORD MOYLAN

149A 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.”

Clause 49

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LISTER OF BURTERSETT

150 Leave out Clause 49

Clause 50

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LISTER OF BURTERSETT

151 Leave out Clause 50

Clause 51

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LISTER OF BURTERSETT

152 Leave out Clause 51

Clause 52

LORD MARKS OF HENLEY-ON-THAMES

153 Leave out Clause 52

Clause 53

LORD BELLAMY

153A Clause 53, page 54, line 14, leave out from beginning to “, for” in line 15 and insert –
 “(1) Section 239 of the Criminal Justice Act 2003 (the Parole Board) is amended as follows.
 (2) In subsection (5)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 53, page 54, line 21.

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON
LORD BACH

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.

LORD BELLAMY

154A Clause 53, page 54, line 21, at end insert –
 “(2) After subsection (5C) insert –
 “(5D) Rules under subsection (5) may also make provision for functions of the Board (including judicial functions) to be exercised by employees of the Board, other than any function so far as its exercise involves –
 (a) making a public protection decision in relation to a prisoner within the meaning of section 237A(2) of this Act or section 28ZA(2) of the 1997 Act;

- (b) giving a direction for the release of a prisoner on licence under this Chapter or under Chapter 2 of Part 2 of the 1997 Act;
- (c) making a decision or giving a direction under subsection (4) or (4F) of section 31A of the 1997 Act (imprisonment or detention for public protection: termination of licences);
- (d) reconsidering a decision or setting aside a decision or direction under provision made by virtue of subsection (5A).””

Member's explanatory statement

This amendment allows for Parole Board Rules to provide for functions of the Board (including judicial functions) to be exercised by employees of the Board, subject to exceptions.

Clause 54

LORD BELLAMY

154B Clause 54, page 54, line 23, leave out subsections (1) and (2) and insert –

“(1) Paragraph 2 of Schedule 19 to the Criminal Justice Act 2003 (membership of the Parole Board) is amended as follows.”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 54, page 55, line 1.

LORD BELLAMY

154C Clause 54, page 54, line 28, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on my amendment of Clause 54, page 55, line 1.

LORD BELLAMY

154D Clause 54, page 55, line 1, leave out from beginning to end of line 25 on page 56

Member's explanatory statement

This amendment leaves out provisions relating to the appointment, resignation, dismissal and functions of the chair and vice-chair of the Parole Board.

LORD THOMAS OF CWMGIEDD
LORD MARKS OF HENLEY-ON-THAMES
LORD BACH

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
LORD BACH

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.

After Clause 54

LORD JACKSON OF PETERBOROUGH

156ZA After Clause 54, insert the following new Clause –

“Parole Board proceedings: enabling public scrutiny

- (1) The Secretary of State has a statutory duty to improve the openness and transparency of the work of the Parole Board and to facilitate a greater public understanding of its statutory framework, procedures and proceedings.
- (2) The Secretary of State must exercise their powers under section 239(5) of the Criminal Justice Act 2003, to require that Parole Board hearings should normally be open to the public unless there are exceptional circumstances for not doing so, as outlined in subsection (5).
- (3) The Secretary of State has the power to formally direct the Chair of the Parole Board to make arrangements for all Parole Board hearings to be heard in public, as set out in Parole Board (Amendment) Rules 2022 (SI 2022/717).
- (4) The Chair of the Parole Board may exercise their right to decline this request and direction from the Secretary of State and must outline their reasons for so doing in writing to the Secretary of State, within 28 days of a written direction being lodged with the Parole Board.
- (5) Such reasons in respect of subsection (4) must be evidence-based and include –
 - (a) where the Chair of the Parole Board believes that such a request and direction would, on the balance of probability and based on evidential information, indicate that the integrity of evidence presented to the Parole Board may be compromised and prevent a true and accurate assessment of the prisoner’s risk being provided by witnesses;
 - (b) that the presence of strong and valid objections from participants, including victims, their families or legal representatives, could jeopardise the cooperation of witnesses, should the hearing be in public; or
 - (c) that to hold a meeting in public might create an unacceptable risk of mental or physical harm to any of the participants.
- (6) The Secretary of State must formally consider any representations from the Chair of the Parole Board in a timely manner and if they choose to disregard the advice of the Chair of the Parole Board, they must outline their reasons within 28 days

of receipt of such advice, taking into account all available evidence, including that provided by law enforcement, victims, their families or legal and other representatives.

- (7) The Secretary of State must, in exercising their powers, balance the need for openness, transparency and maintaining public faith in the efficacy of the criminal justice system with a commitment to the operational independence of the Parole Board and its members' deliberations, and with an obligation to reduce recidivism and support rehabilitation and the prisoner's ability to resettle in the community upon release from a custodial sentence.
- (8) This section applies only to offences as relevant to public protection decisions and outlined in Schedule 18B Parts 1 and 2 of the Criminal Justice Act 2003.
- (9) The Secretary of State must, within six months of the passing of this Act, and annually thereafter, publish an assessment of the efficacy of the policy of open Parole Board hearings and its impact upon openness, accountability, transparency and public support and whether it meets the interests of the justice test."

Member's explanatory statement

This amendment seeks to consolidate the statutory instrument laid before Parliament on 30 June 2022 (SI 2022/717) to improve openness, accountability and transparency and public trust in the Parole Board by giving the Secretary of State powers to direct the Board to work to a presumption that such meetings should be routinely open to the public, with exceptions; whilst also safeguarding the Board's independence and the requirement to ensure rehabilitation and resettlement of those prisoners likely to be released from a custodial sentence.

LORD MARKS OF HENLEY-ON-THAMES

156ZAA★ After Clause 54, insert the following new Clause –

“Discretion for the Parole Board to direct the period of time until a subsequent application for parole

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) In section 28 (duty to release certain life prisoners), subsection (7)(b), for “the end of the period of two years beginning with the disposal of that reference” substitute “a period of time directed by the Board, which may be between 12 months and four years”.
- (3) Where a decision is made under section 28(7)(b) of the Crime (Sentences) Act 1997 to direct a period of more than two years, this must only be done if the Parole Board has a reasonable belief that the eligibility for release of the prisoner is unlikely to change in the directed period of time.
- (4) Where the prisoner has made a previous application to the Board, and the Board has directed a time of more than two years until their next hearing, the prisoner may make an application to the Board for this decision to be reviewed.
- (5) Where an application is made under subsection (4) above, the Parole Board must –

- (a) if it is satisfied that the application merits a reconsideration of its previous decision, direct a new time until the prisoner's next hearing;
- (b) otherwise dismiss the application."

Member's explanatory statement

This amendment allows the Parole Board, upon rejection of a parole application, to determine the length of time until the prisoner can reapply for parole.

Clause 55

LORD BELLAMY

156ZB Clause 55, page 56, line 34, leave out "written"

Member's explanatory statement

This amendment is consequential on new subsection (3A) of section 27A of the Marriage Act 1949, inserted by my amendment of Clause 55, page 57, line 19.

LORD BELLAMY

156ZC Clause 55, page 56, line 36, leave out "written"

Member's explanatory statement

This amendment is consequential on new subsection (3A) of section 27A of the Marriage Act 1949, inserted by my amendment of Clause 55, page 57, line 19.

LORD BELLAMY

156ZD Clause 55, page 57, line 19, at end insert –

“(1A) In section 27ZA of the Marriage Act 1949 (circumstances in which a notice of marriage is not to be recorded in the marriage register), in paragraph (a), at the appropriate place insert –

“section 27A(3A);”.

(1B) In section 27A of the Marriage Act 1949 (additional information required in certain cases) –

(a) in subsection (3) (case where marriage intended to be solemnized at detained person's residence) –

(i) omit the “and” at the end of paragraph (a);

(ii) at the end of paragraph (b) insert “; and

(c) stating whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”;

- (b) after subsection (3) insert –
- “(3A) Where the relevant person is a detained person who is serving a life sentence and is subject to a whole life order, each notice of marriage required by section 27 of this Act must also be accompanied by a statement made by the Secretary of State not more than twenty-one days before the date on which notice of the marriage is given under section 27 stating that the relevant person has the permission required by section 2A(2).”;
- (c) in subsection (6), for “or (as the case may be) (3)” substitute “, (3) or (3A)”;
- (d) in subsection (7), before the definition of “medical statement” insert –
- ““life sentence” and “whole life order” have the meanings given by section 2A(5) of this Act and section 2A(6) (persons treated as being subject to a whole life order) applies for the purposes of this section; and””

Member's explanatory statement

This amendment makes provision about notices of marriage in consequence of Clause 55 (whole life prisoners prohibited from forming a marriage).

LORD PANNICK
LORD CARTER OF HASLEMERE
LORD BACH
LORD GERMAN

156ZDA Leave out Clause 55

Clause 56

LORD BELLAMY

156ZE Clause 56, page 57, line 25, leave out “as follows” and insert “in accordance with subsections (2) to (4)”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 56, page 58, line 20.

LORD BELLAMY

156ZF Clause 56, page 57, line 35, leave out “written”

Member's explanatory statement

This amendment is consequential on new subsection (5A) of section 19 of the Civil Partnership Act 2004, inserted by my amendment of Clause 56, page 58, line 20.

LORD BELLAMY

156ZG Clause 56, page 57, line 38, leave out “written”

Member's explanatory statement

This amendment is consequential on new subsection (5A) of section 19 of the Civil Partnership Act 2004, inserted by my amendment of Clause 56, page 58, line 20.

LORD BELLAMY

156ZH Clause 56, page 58, line 20, at end insert –

- “(5) In section 9F of the Civil Partnership Act 2004 (recording of information in the register: compliance with requirements), at the appropriate place insert –
- “section 19(5A);”.
- (6) Section 19 of the Civil Partnership Act 2004 (detained persons) is amended in accordance with subsections (7) to (9).
- (7) In subsection (4) (supporting statement) –
- (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (b) insert “, and
 - (c) states whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”
- (8) After subsection (5) insert –
- “(5A) Where the detained person is serving a life sentence and is subject to a whole life order, each notice of proposed civil partnership must also be accompanied by a statement made by the Secretary of State not more than 21 days before the day on which the notice is recorded stating that the detained person has the permission required by section 3(1A).
- (5B) The fact that the registration authority to whom a notice of proposed civil partnership is given has received a statement under subsection (5A) must be recorded in the register.”
- (9) After subsection (7) insert –
- “(7A) “Life sentence” and “whole life order” have the meanings given by section 3(3) of this Act and section 3(4) (persons treated as being subject to a whole life order) applies for the purposes of this section.””

Member's explanatory statement

This amendment makes provision about notices of proposed civil partnership in consequence of Clause 56 (whole life prisoners prohibited from forming a civil partnership).

LORD PANNICK
LORD CARTER OF HASLEMERE
LORD BACH
LORD GERMAN

156ZI Leave out Clause 56

Clause 58

LORD BELLAMY

156A Clause 58, page 58, line 31, leave out “section 16, 55 or 56” and insert “, or on regulations under, Part 1, 2 or 4”

Member's explanatory statement

This amendment enables regulations to be made amending other legislation in consequence of provisions in Part 1, 2 or 4 of the Bill other than those currently listed. The affirmative Parliamentary procedure is required for amendments to primary legislation.

LORD BELLAMY

156B Clause 58, page 58, line 31, at end insert –

- “(1A) Each of the following may by regulations make provision that is consequential on, or on regulations under, Part 3 –
- (a) the Secretary of State or the Minister for the Cabinet Office,
 - (b) the Welsh Ministers,
 - (c) the Scottish Ministers, and
 - (d) a Northern Ireland department.
- (1B) Regulations under subsection (1A) –
- (a) made by the Welsh Ministers, may contain only provision which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd;
 - (b) made by the Scottish Ministers, may contain only provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (c) made by a Northern Ireland department, may contain only provision which –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

This amendment confers power to make consequential amendments relating to Part 3 of the Bill on the Secretary of State or the Minister for the Cabinet Office, the Welsh Ministers, the Scottish Ministers and a Northern Ireland department.

LORD BELLAMY

- 156BA** Clause 58, page 58, line 33, leave out from “legislation” to end of line 36 and insert “(whenever passed or made)”

Member's explanatory statement

This amendment enables legislation passed or made after the current session of Parliament to be consequentially amended by regulations under Clause 58.

Clause 59

LORD BELLAMY

- 156C** Clause 59, page 59, line 8, after “Act” insert “made by the Secretary of State, the Minister for the Cabinet Office, the Treasury or the Welsh Ministers”

Member's explanatory statement

This amendment is consequential on the regulation making powers conferred by my amendments to Part 3 of the Bill and my amendment to clause 58, page 58, line 31.

LORD BELLAMY

- 157** [Withdrawn]

LORD BELLAMY

- 157A** Clause 59, page 59, line 8, at end insert –
- “(2A) For regulations made under section 58(1A) by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- (2B) The power of a Northern Ireland department to make regulations under section 58(1A) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

Member's explanatory statement

This amendment is consequential on my amendment to clause 58, page 58, line 31.

LORD BELLAMY

157B Clause 59, page 59, line 8, at end insert –

- “(2A) A statutory instrument containing (alone or with other provision) the first regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Infected blood compensation scheme*) must be laid before Parliament after being made.
- (2B) Regulations contained in a statutory instrument laid before Parliament under subsection (2A) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (2C) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which –
- (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (2D) If regulations cease to have effect as a result of subsection (2B), that does not –
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (2E) Any other statutory instrument containing (alone or with other provision) regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Infected blood compensation scheme*) 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 the first regulations about the infected blood compensation scheme to be subject to the made affirmative procedure, and subsequent regulations to be subject to the affirmative procedure.

LORD BELLAMY

157C Clause 59, page 59, line 8, at end insert –

- “(2A) A statutory instrument containing (alone or with other provision) regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Payments to personal representatives of qualifying infected persons*)(10) (unless it is a statutory instrument to which subsection (2A) applies) 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 under subsection (10) of my new clause about payments to personal representatives of qualifying infected person to be subject to affirmative procedure, unless subject to made affirmative procedure under the subsection (2A) inserted by my amendment to clause 59, page 59, line 8 inserting subsections (2A) to (2E).

LORD BELLAMY

157CA [Withdrawn]

LORD BELLAMY

157CB Clause 59, page 59, line 8, at end insert –

“(2A) A statutory instrument containing (alone or with other provision) 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 replaces my amendment 157 with revised provision to enable a statutory instrument containing regulations under Clause (*Disclosures by victims that cannot be precluded by agreement*), which are subject to the affirmative Parliamentary procedure, to include consequential provision.*

LORD BELLAMY

157CC Clause 59, page 59, line 9, after “containing” insert “(alone or with other provision)”

Member's explanatory statement

This amendment enables a statutory instrument containing regulations under Clause 58 that amend, repeal or revoke primary legislation, which are subject to the affirmative Parliamentary procedure, to also contain the regulations on which they are consequential.

LORD BELLAMY

157D Clause 59, page 59, line 9, leave out “under section 58” and insert “made by the Secretary of State or the Minister for the Cabinet Office under section 58(1) or (1A)”

Member's explanatory statement

This amendment provides for regulations made under clause 58(1A) (inserted by my amendment to clause 58, page 58, line 31) to be subject to affirmative procedure if they amend primary legislation.

LORD BELLAMY

157E Clause 59, page 59, line 10, leave out “that section)” and insert “section 58) (unless it is a statutory instrument to which subsection (2A) applies)”

Member's explanatory statement

This amendment disapplies affirmative procedure to regulations which amend primary legislation if they are subject to the made affirmative procedure under the subsection (2A) inserted by my amendment to clause 59, page 59, line 8 inserting subsections (2A) to (2E).

LORD BELLAMY

157F Clause 59, page 59, line 13, after “regulations” insert “made by the Secretary of State or the Minister for the Cabinet Office”

Member's explanatory statement

This amendment is consequential on the regulation making powers conferred by my amendments to Part 3 and to clause 58, page 58, line 31.

LORD BELLAMY

157G Clause 59, page 59, line 14, at end insert –

- “(4A) A statutory instrument containing regulations made by the Treasury under paragraph 21 of Schedule (*Infected blood compensation scheme*) is subject to annulment in pursuance of a resolution of the House of Commons.
- (4B) A statutory instrument made by the Welsh Ministers containing regulations under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (4C) Any other statutory instrument made by the Welsh Ministers under section 58(1A) is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (4D) Regulations made by the Scottish Ministers under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (4E) Any other regulations made by the Scottish Ministers under section 58(1A) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (4F) Regulations made by a Northern Ireland department under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (4G) Any other regulations made by a Northern Ireland department under section 58(1A) are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I)).”

Member's explanatory statement

This amendment specifies the procedures for regulations made by the Treasury under paragraph 21 of my new Schedule and regulations made by the Welsh Ministers, Scottish Ministers or a Northern Ireland department under clause 58(1A) (inserted by my amendment to clause 58, page 58, line 31).

Clause 60

BARONESS MORGAN OF COTES

158 Clause 60, page 59, line 21, at end insert –

“(aa) section 24;”

Member's explanatory statement

This amendment would extend section 24 to England, Wales, Scotland and Northern Ireland.

LORD BELLAMY

159 Clause 60, page 59, line 24, at end insert –

“(da) Part 3;”

Member's explanatory statement

This amendment provides for Part 3 of the Bill, dealing with infected blood compensation, to have UK extent.

LORD BELLAMY

160 Clause 60, page 59, line 25, at end insert –

“(5) His Majesty may by Order in Council provide for any of the provisions of Part 3 to extend, with or without modifications, to –

- (a) any of the Channel Islands;
- (b) the Isle of Man;
- (c) Gibraltar;
- (d) the Falkland Islands.”

Member's explanatory statement

This amendment confers power to extend Part 3 to the Channel Islands, Isle of Man, Gibraltar or the Falkland Islands by Order in Council.

Clause 61

LORD BELLAMY

161 Clause 61, page 59, line 27, leave out “This Part comes” and insert “The following provisions come”

Member's explanatory statement

This amendment and my other amendments of Clause 61, page 59, line 27, provide for the provisions of the Bill specified in those amendments to come into force on Royal Assent

LORD BELLAMY

162 [Withdrawn]

LORD BELLAMY

162A Clause 61, page 59, line 27, at end insert –

“(a) section 53(1) and (2);”

Member's explanatory statement

This amendment provides for the amendment to the Criminal Justice Act 2003 (which allows Parole Board Rules to provide for functions of the Board to be exercised by employees of the Board) made by my amendment of Clause 53, page 54, line 21 to come into force on Royal Assent.

LORD BELLAMY

162AA Clause 61, page 59, line 27, at end insert –

“(a) Part 3;
(b) this Part.”

Member's explanatory statement

This amendment provides for all of Part 3 (infected blood) to come into force on Royal Assent. It replaces my amendments 162 and 165, which provided for certain provisions of Part 3 to come into force on Royal Assent and the rest to be brought into force by regulations.

LORD BELLAMY

162B Clause 61, page 59, line 28, at beginning insert “Except as mentioned in subsection (1)(a),”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 61, page 59, line 27 that provides for provisions about the Parole Board rules to come into force on Royal Assent.

BARONESS BRINTON

This amendment, together with Amendment 164 was previously marshalled in the wrong order. The marshalling order has been corrected.

163 Clause 61, page 59, line 28, at beginning insert “Subject to subsection (2A),”

Member's explanatory statement

This amendment is consequential on another amendment in my name to insert a new Clause, “Infected blood scandal: interim payments”

LORD BELLAMY

This amendment, together with Amendment 163 was previously marshalled in the wrong order. The marshalling order has been corrected.

- 164 Clause 61, page 59, line 28, leave out “The other provisions of this Act” and insert “Parts 1, 2 and 4”

Member's explanatory statement

This amendment is consequential on my amendment to Clause 61, page 59, line 29.

LORD BELLAMY

- 165 [Withdrawn]

BARONESS BRINTON

- 166 Clause 61, page 59, line 29, at end insert –

“(2A) Section (Infected blood scandal: interim payments) comes into force on the day on which this Act is passed.”

Member's explanatory statement

This amendment is consequential on another amendment in my name to insert a new clause, “Infected blood scandal: interim payments”

LORD BELLAMY

- 167 Clause 61, page 59, line 31, leave out “this Act” and insert –

- “(a) Parts 1, 2 or 4, or
- (b) this Part.”

Member's explanatory statement

This amendment is consequential on my other amendment to clause 61, page 59, line 31.

LORD BELLAMY

- 168 Clause 61, page 59, line 31, at end insert –

“(3A) The Secretary of State or the Minister for the Cabinet Office may by regulations make transitional or saving provision in connection with the coming into force of any provision of Part 3.”

Member's explanatory statement

This amendment provides that the Secretary of State or the Minister for the Cabinet Office may by regulations make transitional or saving provision in connection with the coming into force of any provision of Part 3.

Title

LORD BELLAMY

169 Title, line 3, after “incidents;” insert “for an infected blood compensation scheme;”

Member's explanatory statement

This amendment adds a reference to the infected blood compensation scheme to the long title.

Victims and Prisoners Bill

FOURTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

17 May 2024

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