

Victims and Prisoners Bill

COMMONS AGREEMENTS WITH AMENDMENTS, DISAGREEMENTS WITH AMENDMENTS IN LIEU AND DISAGREEMENTS WITH REASONS

[The page and line references are to HL Bill 31, the Bill as first printed for the Lords]

After Clause 11

LORDS AMENDMENT 32

32 After Clause 11, insert the following new Clause –

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

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

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 32 and propose the following Amendment to the Bill in lieu –

32A Clause 18, page 18, line 25, at end insert –

“(3A) After section 51 insert –

“51A Duty to co-operate with Commissioner

- (1) The Commissioner may request a relevant person to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.
- (2) A relevant person must comply with a request made to the person under this section, so far as it is appropriate and reasonably practicable for the person to do so.
- (3) In this section “relevant person” means a person who is not an individual and is subject to the duty in section 5(A1) of the Victims and Prisoners Act 2024 (duty to provide services in accordance with the code issued under section 2 of that Act).”

LORDS AMENDMENT 33

33 After Clause 11, insert the following new Clause –

“Training: support for victims

- (1) The Secretary of State must publish and implement, in consultation with the Commissioner for Victims and Witnesses, a strategy for providing mandatory training on the contents and application of the victims’ code for relevant staff of the following organisations –
 - (a) the police,
 - (b) the Crown Prosecution Service,
 - (c) probation services,
 - (d) the Foreign, Commonwealth & Development Office,
 - (e) health and social services,
 - (f) victim support services,
 - (g) maintained and independent schools and colleges of further education, and
 - (h) such other bodies as the Secretary of State deems appropriate.
- (2) The strategy under subsection (1) must be reviewed and updated every three years.”

COMMONS REASON

The Commons disagree to Lords Amendment 33 for the following Reason –

33A *Because it could affect financial arrangements to be made by the Commons, and the Commons do not offer any further reason, trusting that this Reason may be deemed sufficient.*

Clause 15

LORDS AMENDMENT 35

35

Leave out Clause 15 and insert the following new Clause –

“Guidance about specified victim support roles

- (1) The Secretary of State must issue guidance about specified victim support roles.
- (2) In this section –
 - “specified” means specified in regulations made by the Secretary of State;
 - “victim support role” means a role performed by individuals which involves the provision of support to victims of criminal conduct (where the support relates to that conduct).
- (3) A victim support role may be specified by reference to (among other matters) –
 - (a) the circumstances in which the role is performed;
 - (b) the type of support provided in connection with the role;
 - (c) the type of criminal conduct in relation to which such support is provided.
- (4) Guidance under this section about a victim support role must include provision about –
 - (a) the support provided in connection with the role;
 - (b) training and qualifications for individuals who perform the role;
 - (c) how individuals who perform the role, and other persons who have functions relating to victims or any aspect of the criminal justice system, work together.
- (5) Guidance under this section must (where relevant) make provision in relation to victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.
- (6) Any person who has functions of a public nature relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where –
 - (a) the person is exercising such a function, and
 - (b) the guidance is relevant to the exercise of that function.
- (7) Subsection (6) does not apply to anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person.
- (8) The Secretary of State must consult the Welsh Ministers before issuing guidance under this section, so far as the guidance relates to a matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).”

AGREEMENT WITH AMENDMENTS

The Commons agree to the Lords Amendment 35 with amendments –

- 35A Line 3, at end insert “performed –
- (a) in England, and
 - (b) subject to subsection (1A), in Wales.
- (1A) Guidance under this section must not relate to a matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).”
- 35B Line 29, at end insert –
- “(b) a devolved Welsh authority, within the meaning of the Government of Wales Act 2006 (see section 157A of that Act).”
- 35C Leave out lines 30 to 34

After Clause 25

LORDS AMENDMENT 46

- 46 After Clause 25, insert the following new Clause –
- “Child victims of domestic abuse**
- (1) The Domestic Abuse Act 2021 is amended as follows.
 - (2) After section 49 insert –
 - “Notifying schools etc if child is suspected victim of domestic abuse*
- 49A Arrangements to notify schools etc**
- (1) A chief officer of police of a police force maintained for a police area must ensure that arrangements are in place to secure the objective in subsection (2).
 - (2) The objective is that, if a member of the force has reasonable grounds to believe that a child who resides in the police area may be a victim of domestic abuse, any relevant educational establishment is notified as soon as is reasonably practicable except in such circumstances as may be specified in regulations made by the Secretary of State.
 - (3) For the purposes of this section, each of the following is a relevant educational establishment in relation to a child –
 - (a) a school at which the child is a registered pupil;
 - (b) if the child is not a registered pupil at a school –
 - (i) if the child is receiving education at only one educational establishment, that establishment;
 - (ii) if the child is receiving education at more than one educational establishment, such one or more of those establishments as is determined in accordance with the

arrangements in place under subsection (1) for the police area in which the child resides.

(4) In this section –

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

“educational establishment” means –

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

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

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

49B Power to extend section 49A to childcare providers

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

(2) In this section –

“childcare” –

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

“childcare provider” means –

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

(3) In the italic heading before section 50, for “and orders” substitute “, orders and notification arrangements”.

- (4) In section 56 (interpretation of Part 3), in subsection (4), after paragraph (b) insert –
“(c) section 3 (children as victims of domestic abuse).”
- (5) In section 87 (regulations), in subsection (6), after paragraph (a) insert –
“(aa) regulations under section 49B.”

AGREEMENT WITH AMENDMENT

The Commons agree to the Lords Amendment 46 with an amendment –

46A Line 1, leave out “25” and insert “17”

After Clause 26

LORDS AMENDMENT 47

47 After Clause 26, insert the following new Clause –

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

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

- (d) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality, and
 - (e) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.
- (6) The Secretary of State may from time to time revise any guidance issued under this section.
- (7) Before issuing or revising guidance under this section, the Secretary of State must consult –
- (a) the Domestic Abuse Commissioner,
 - (b) the Commissioner for Victims and Witnesses,
 - (c) the Independent Anti-Slavery Commissioner, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (8) Subsection (7) does not apply in relation to any revisions of the guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (9) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.
- (10) For the purposes of this section –
- “consent” means a freely given, specific, informed and unambiguous indication of the individual’s wishes by which the individual, by a statement, signifies agreement to the processing of the personal data.
 - “immigration” means the exercise of any functions of the Secretary of State and of immigration officers under the Immigration Acts within the meaning of section 61 of the UK Borders Act 2007.
 - “support or assistance” includes the provision of accommodation, banking services, education, employment, financial or social assistance, healthcare and policing services and any function of a court or prosecuting authority.
 - “victim”, in relation to a crime, means the particular person who appears to have been affected by the crime, and their dependent, where that dependent is also affected by the crime.”

COMMONS REASON

The Commons disagree to Lords Amendment 47 for the following Reason –

- 47A** *Because it would be inappropriate to impose a blanket restriction on the use of personal data in the circumstances to which the amendment relates.*

After Clause 38

LORDS AMENDMENT 54

- 54** After Clause 38, insert the following new Clause –

“Major incidents: duty of candour

- (1) In discharging their duties in relation to a major incident, public authorities and public servants and officials must at all times act within their powers –

- (a) in the public interest, and
 - (b) with transparency, candour and frankness.
- (2) If a major incident results in a court proceeding, official inquiry or investigation, public authorities and public servants and officials have a duty to assist—
- (a) relating to their own activities, or
 - (b) where their acts or omissions may be relevant.
- (3) In discharging the duty under subsection (2), public authorities and public servants and officials must—
- (a) act with proper expedition,
 - (b) act with transparency, candour and frankness,
 - (c) act without favour to their own position,
 - (d) make full disclosure of relevant documents, material and facts,
 - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and
 - (f) provide further information and clarification as ordered by a court or inquiry.
- (4) In discharging their duty under subsection (2), public authorities and public servants and officials must have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation but may not be limited by them, in particular where they hold information which might change the ambit of the said proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) must—
- (a) be read subject to existing laws relating to privacy, data protection and national security, and
 - (b) apply in a qualified way with respect to private law and non-public functions as set out in subsection (6), and
 - (c) not be limited by any issue of insurance indemnity.
- (6) The duties in subsections (1) and (2) will be enforceable by application to the relevant court or inquiry chairperson by any person affected by the alleged breach, or the court or inquiry may act of its own motion.
- (7) Where there are no extant court or inquiry proceedings, the duties may be enforced by judicial review proceedings in the High Court.”

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 54 and propose the following Amendment to the Bill in lieu –

54A Page 37, line 11, at end insert the following new Clause—

“Review of duty of candour in relation to major incidents

- (1) The Secretary of State or the Minister for the Cabinet Office must, before 1 January 2025, carry out a review to determine the extent to which additional duties of transparency and candour should be imposed on public servants in relation to major incidents.

- (2) The Secretary of State or the Minister for the Cabinet Office may discharge the duty in subsection (1) by arranging for another person to carry out the review.
- (3) The Secretary of State or the Minister for the Cabinet Office must, as soon as reasonably practicable after the completion of the review –
 - (a) prepare, or arrange for another person to prepare, a report about the review,
 - (b) publish the report, and
 - (c) lay the report before Parliament.
- (4) In this section, “public servant” means –
 - (a) a public authority within the meaning given by section 29(2)(a) (see section 29(5));
 - (b) any person exercising the functions of a public authority (including as an employee of a public authority or as a person in the civil service of the State).”

After Clause 47

LORDS AMENDMENT 98

98 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.”

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 98 and propose an amendment in lieu: see Amendment 99A.

LORDS AMENDMENT 99

99

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.””

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 99 and propose the following Amendment to the Bill in lieu of Lords Amendment 98 and Lords Amendment 99 –

99A Page 50, line 37, at end insert the following new Clause –

“Assessing and managing risks posed by controlling or coercive behaviour offenders

In section 327 of the Criminal Justice Act 2003 (section 325: interpretation), in subsection (4A), after paragraph (c) insert –

- “(ca) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship);”.”

Clause 48

LORDS AMENDMENT 106

106 Clause 48, page 52, line 36, 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).”

COMMONS AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 106 and propose the following Amendments to the Bill in lieu –

106A Clause 48, page 52, line 36, 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).”

106B Clause 48, page 52, line 36, at end insert —

“Extension of home detention curfew

Extension of home detention curfew

- (1) Section 246 of the Criminal Justice Act 2003 (release of prisoners on licence before required to do so) is amended as follows.
- (2) In subsection (1), after “fixed-term prisoner” insert “, other than one to whom section 244ZA, 244A, 246A, 247, 247A or 247B or paragraph 4 or 24 of Schedule 20B applies,”.
- (3) In subsection (4) —
 - (a) omit paragraphs (a) to (ab);
 - (b) after paragraph (ab) insert —
 - “(ac) the prisoner is one to whom section 244ZA would apply if —
 - (i) section 244ZA(4)(c), (5)(c) and (6)(c) were omitted,
 - (ii) the reference in section 244ZA(5)(a) to section 262 of the Sentencing Code were read as including a reference to section 96 of the PCC(S)A 2000, and
 - (iii) the reference in section 244ZA(6)(a) to section 250 of the Sentencing Code were read as including a reference to section 91 of the PCC(S)A 2000;”
 - (c) in paragraph (g) for “at any time” substitute “during the currency of the sentence”;
 - (d) for paragraph (ga) substitute —
 - “(ga) the following apply —
 - (i) the prisoner has been released on licence under this section in relation to a previous sentence and has been recalled to prison under section 255(1)(a) (and the revocation of the licence has not been cancelled under section 255(3)), and

- (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began,
 - (gb) the following apply –
 - (i) the prisoner has been released on licence under section 34A of the Criminal Justice Act 1991 in relation to a previous sentence and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act), and
 - (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began;”
 - (e) omit paragraph (ha) (but not the “or” at the end of it).
- (4) Omit subsection (4ZA).”

Victims and Prisoners Bill

COMMONS AGREEMENTS WITH AMENDMENTS, DISAGREEMENTS WITH
AMENDMENTS IN LIEU AND DISAGREEMENTS WITH REASONS

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