

Imprisonment for Public Protection (Re-sentencing) Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Make provision for a re-sentencing exercise in relation to all Imprisonment for Public Protection (IPP) sentenced individuals; to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Re-sentencing individuals serving a sentence of imprisonment for public protection

- (1) The Lord Chancellor must make arrangements to ensure every individual serving an IPP sentence, whether in prison or the community, has been re-sentenced within 24 months of the day on which this Act is passed. 5
- (2) The Lord Chancellor must establish a committee to provide advice regarding the discharge of the Lord Chancellor's duty under subsection (1).
- (3) The committee established by virtue of subsection (2) must include a judge nominated by the Lord Chief Justice, and must lay a report before Parliament on the process of re-sentencing individuals serving an IPP sentence within 12 months of being appointed. 10
- (4) The Lord Chancellor may disband the committee established by virtue of subsection (2) when they consider appropriate after a report has been published under subsection (3), but must disband the committee once all those serving IPP sentences have been re-sentenced. 15
- (5) Once the Lord Chancellor has initiated arrangements under subsection (1), a court that imposed an IPP sentence must re-sentence the person serving an IPP sentence in relation to the original offence.
- (6) The court may not impose a sentence that is a heavier penalty than the tariff that was imposed for the original offence. 20
- (7) In relation to the exercise of the power in subsection (5)—
 - (a) that power is to be treated as a power to re-sentence under section 402(1) of the Sentencing Act 2020;

- (b) the Sentencing Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).

2 Interpretation

In this Act—

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“IPP sentence” means—

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

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“original offence” means the offence in relation to which the IPP sentence was imposed.

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3 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Imprisonment for Public Protection (Re-sentencing) Act 2024.

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Lord Woodley

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