

Sentencing Guidelines (Pre-sentence Reports) Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
22 May 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

VISCOUNT HAILSHAM

- ★ Clause 1, page 1, line 5, leave out from “may” to end of line 7 and insert “include provision framed by reference to any individual circumstances or personal characteristics of an offender, provided that the guidelines state that these can only be taken into account if the sentencer is of the opinion that they are (or may be) individually (or collectively) relevant to the determination of the appropriate sentence.”

LORD MARKS OF HENLEY-ON-THAMES

- ★ Clause 1, page 1, line 5, after “not” insert “without good cause”

Member's explanatory statement

This amendment, together with Lord Marks' amendment to page 1, line 7, would allow the Sentencing Council more discretion in preparing sentencing guidelines about pre-sentence reports in order to avoid inequality of sentencing outcomes.

LORD MARKS OF HENLEY-ON-THAMES

- ★ Clause 1, page 1, line 7, at end insert —
 - “(4B) For the purposes of subsection (4A) the Sentencing Council shall be taken to have “good cause” if it has reason to believe that leaving such personal characteristics out of an account would be likely to lead to an inequality of outcomes in sentencing.”

Member's explanatory statement

This amendment, together with Lord Marks' amendment to page 1, line 5, would allow the Sentencing Council more discretion in preparing sentencing guidelines about pre-sentence reports in order to avoid inequality of sentencing outcomes.

LORD MARKS OF HENLEY-ON-THAMES

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

“(4B) Sentencing guidelines about pre-sentence reports must promote greater use of such reports as part of sentencing, in particular when the sentencing decision is likely to involve a choice between a community penalty and imprisonment.”

Member's explanatory statement

This amendment is intended to encourage increased use of pre-sentence reports.

VISCOUNT HAILSHAM

- ★ Clause 1, page 1, leave out lines 10 to 13 and insert –

““individual circumstances” means any of the offender’s circumstances which, in the opinion of the sentencer, are or may be relevant to the determination of the appropriate sentence.

“personal characteristics” means any of the offender’s characteristics which, in the opinion of the sentencer, are or may be relevant to the determination of the appropriate sentence.”

LORD MARKS OF HENLEY-ON-THAMES

- ★ Clause 1, page 1, line 15, at end insert –

“(13) Nothing in this section shall prevent the Council from issuing guidance about pre-sentence reports that reflects existing case law.”

Member's explanatory statement

This amendment is intended to probe the impact of this Bill on the application of existing case law. It reflects a concern expressed by the Constitution Committee that both pregnancy status and age would be deemed as “personal characteristics” and the Sentencing Council would not be able to issue guidance regarding the use of presenting reports in those circumstances where case law applies.

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