

# Sentencing Guidelines (Pre-sentence Reports) Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

Clause 1

VISCOUNT HAILSHAM

- 1 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

- 2 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.*

BARONESS HAMWEE

- 3★ Clause 1, page 1, line 6, leave out “framed by reference to” and insert “solely based on”

***Member's explanatory statement***

*This amendment is intended to probe the meaning of the phrase “framed by reference to”.*

## LORD MARKS OF HENLEY-ON-THAMES

4 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

5 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.*

## BARONESS HAMWEE

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

“(4B) Nothing in this section shall preclude guidelines referring to the use of pre-sentence reports when an assessment of an offender's personal circumstances would be beneficial.”

***Member's explanatory statement***

*This amendment clarifies that the Sentencing Council will be able to produce guidelines to remind sentencers that pre-sentence reports may be necessary when, amongst other things, an assessment of the offender's personal circumstances would be beneficial.*

## VISCOUNT HAILSHAM

7 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.”

THE LORD BISHOP OF GLOUCESTER

8★ Clause 1, page 1, line 13, at end insert –

“but do not include pregnancy or maternity.”

***Member's explanatory statement***

*This amendment seeks to ensure that existing sentencing guidelines relating to the mitigating factor of “pregnancy, childbirth and postnatal care” can continue to provide directions for courts to obtain pre-sentence reports for offenders who are pregnant or are primary carers of young children.*

LORD BEITH

9 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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*2 June 2025*

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