

Imprisonment for Public Protection (Re-sentencing) Bill

[HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD WOODLEY

- 1** Clause 1, page 1, line 3, leave out “must” and insert “may”

Member's explanatory statement

This amendment would ensure the establishment of an expert advisory committee without the requirement on the Secretary of State to carry out a resentencing exercise.

LORD WOODLEY

- 2** Clause 1, page 1, line 4, leave out “, whether in prison or the community,” and insert “who has been released on licence and is living in the community”

Member's explanatory statement

This amendment would confine the resentencing exercise to those who are currently living on licence in the community.

BARONESS BURT OF SOLIHULL
LORD WOODLEY

- 3** Clause 1, page 1, line 4, after “community,” insert “who has served a sentence at least ten years longer than the tariff that was imposed for the original offence,”

Member's explanatory statement

This amendment would confine the resentencing exercise to those who are at least 10 years over tariff.

LORD WOODLEY

4 Clause 1, page 1, line 16, leave out subsections (5) and (6) and insert –

- “(5) A Crown Court designated by the Lord Chancellor must re-sentence the person serving the IPP sentence in relation to the original offence or offences, and any associated offences.
- (6) The re-sentencing court must not impose a sentence more severe than the notional determinate sentence upon the basis of which the tariff was specified as needing to be served before an application for early release might be made.”

Member's explanatory statement

This amendment would ensure those serving IPP cannot be resentenced more severely than the notional determinate sentence upon which the minimum term was based. Confirmation of IPP is preserved for those falling into the category specified in subsection (6A), added by another amendment in the name of Lord Woodley, to ensure public safety.

LORD WOODLEY

5 Clause 1, page 1, line 20, at end insert –

- “(6A) The re-sentencing court may confirm the sentence of IPP only if –
 - (a) at the date of the original sentencing, ignoring the alternative of an IPP sentence, and at the date of re-sentencing, the person serving the IPP sentence might properly have been and now would be sentenced to life imprisonment, and
 - (b) that person, at the date of re-sentencing, constitutes a substantial risk of causing serious harm if released.
- (6B) Cases falling within the potential scope of this subsection (6A) may only be re-sentenced by a judge authorised to try cases of murder.”

Member's explanatory statement

This amendment would give the Court the power to confirm a sentence of IPP only where, had not IPP have been an available alternative, the original sentence could lawfully have been a sentence of life imprisonment, the person would under current sentencing practice be sentenced to life imprisonment, and where the re-sentencing judge is authorised to try cases of murder.

LORD WOODLEY

6 Clause 1, page 1, line 20, at end insert –

- “(6A) The re-sentencing court may recommend that the re-sentenced person may be subject to an extended licence, if the re-sentencing court considers this appropriate.”

Member's explanatory statement

This amendment seeks to allow the resentencing court to impose an extended licence as part of the new sentence, so that anyone who is resentenced can be properly supervised on release.

BARONESS FOX OF BUCKLEY
LORD WOODLEY

7 Clause 1, page 1, line 20, at end insert —

- “(6A) A court carrying out a review of a sentence of IPP may substitute a hospital order, with or without a restriction on release, for a sentence of IPP.
- (6B) A court may not make a hospital order under subsection (6A) unless —
- (a) it has received evidence from two registered medical practitioners that the defendant is suffering from a mental disorder of a nature or degree which makes it appropriate for them to be detained in hospital for treatment, and
 - (b) those medical professionals have recommended what treatment would be appropriate.
- (6C) A court may not add a restriction on release to a hospital order unless —
- (a) it is satisfied that the subject of that hospital order poses a significant risk to the public if not detained in a hospital,
 - (b) one registered medical practitioner who has given oral evidence in court supports the making of a restriction order, and
 - (c) it is satisfied that appropriate in-patient treatment is available for the defendant concerned.”

Member's explanatory statement

This amendment would ensure those serving IPP and suffering from a mental disorder who present a significant risk are detained in a secure mental hospital until discharged by the Mental Health Review Tribunal, the Mental Health Review Tribunal for Wales or a Secretary of State.

After Clause 1

THE LORD BISHOP OF GLOUCESTER
LORD WOODLEY

8 After Clause 1, insert the following new Clause —

“Report on impact of Act on certain services

Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report assessing the impact of this Act on services that support the —

- (a) resettlement,
 - (b) rehabilitation,
 - (c) mental wellbeing, and
 - (d) employment prospects,
- of those sentenced to IPP.”

Member's explanatory statement

This amendment would require a review of the effect of the Act on services that support the resettlement, rehabilitation, mental wellbeing and employment prospects of those sentenced to IPP and DPP.

LORD BLUNKETT
LORD WOODLEY

9 After Clause 1, insert the following new Clause –

“Removal of licence restrictions for prisoners with invalid recalls

In Section 31A of the Crime (Sentences) Act 1997 (imprisonment or detention for public protection: termination of licences), after subsection (4H), insert –

“(4I) Where the prisoner was subject to an invalid recall prior to the enactment of the Victims and Prisoners Act 2024, the Secretary of State must order that their remaining licence period is reduced to one year in cases where the remaining period is more than one year.””

Member's explanatory statement

This amendment seeks to reduce the licence period for IPP prisoners who were subject to invalid recalls prior to the enactment of the Victims and Prisoners Act 2024 and who therefore were deprived of the opportunity to have their licence period terminated.

Clause 2

LORD BLUNKETT
LORD WOODLEY

10 Clause 2, page 2, leave out lines 7 to 13 and insert “a sentence of detention for public protection under section 226, since repealed, of the Criminal Justice Act 2003”

Member's explanatory statement

This amendment would confine the resentencing exercise to those sentenced to the juvenile equivalent of IPP, DPP (Detention for Public Protection).

LORD MOYLAN
LORD WOODLEY

11 Clause 2, page 2, line 9, after “2003” insert “which was passed before 14 July 2008”

Member's explanatory statement

This amendment would confine the re-sentencing exercise to those sentenced before the provisions relating to IPP as originally enacted were significantly amended in 2008.

LORD MOYLAN
LORD WOODLEY

- 12** Clause 2, page 2, line 11, after “Act” insert “which was passed before 14 July 2008”

Member's explanatory statement

This amendment would confine the re-sentencing exercise to those sentenced before the provisions relating to IPP as originally enacted were significantly amended in 2008.

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