

Sentencing Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
17 November 2025*

The amendments are listed in accordance with the following Instruction –

Clause 1	Clauses 11 to 27
Schedule 1	Schedule 4
Clauses 2 to 9	Clauses 28 to 31
Schedule 2	Schedule 5
Clause 10	Clauses 32 to 47
Schedule 3	Title

[Amendments marked ★ are new or have been altered]

Clause 1

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 1, line 14, leave out “not more” and insert “less”

Member's explanatory statement

The presumption for a suspended sentence would apply to sentences of less than 12 months.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 1, line 14, after “months” insert “before any credit is given for a guilty plea”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would apply to sentences before credit is given for a guilty plea.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 1, line 17, after “order” insert “with the maximum operational period”

Member's explanatory statement

This amendment would mean that all suspended sentences given in place of immediate custody would be suspended for the maximum period.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 3, line 9, after “individual” insert “or the public”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put the public (as well as an individual) at significant risk of harm.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 3, line 9, leave out “significant”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the risk of harm applies, removing the requirement for the harm to be significant.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 3, line 10, at end insert –

“(3A) But this section does not apply if the offender –

- (a) has been convicted of three or more other offences in the 12 months leading to the conviction for which a suspended sentence would otherwise have been passed (the “current offence”);
- (b) has been convicted of 10 or more offences prior to the current offence;
- (c) has been convicted of the same offence as the current offence on three or more previous occasions;
- (d) is convicted of an offence (the current offence) with a mandatory minimum custodial sentence;
- (e) has previously received a suspended sentence order or a custodial sentence for the same offence as the current offence;
- (f) has breached a suspended sentence order or orders on three or more occasions, either by breaching community requirements or committing a further offence;

- (g) has a history of poor compliance with court orders, according to a written or oral statement from a probation officer;
- (h) at the time of the current offence, was –
 - (i) subject to a supervision order, or
 - (ii) on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall);
- (i) is convicted of an offence eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988; or
- (j) is being sentenced for three or more offences concurrently.”

Member's explanatory statement

This amendment would prevent suspended sentences from being passed in a range of circumstances.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 3, line 10, at end insert –

- “(3A) But this section does not apply if the offender is convicted of an offence –
- (a) under section 1 of the Assaults on Emergency Workers (Offences) Act 2018 or section 89 (1) of the Police Act 1996, or
 - (b) aggravated by section 68A of the Sentencing Act 2020 (assaults on those providing a public service etc).”

LORD JACKSON OF PETERBOROUGH

Clause 1, page 3, line 10, at end insert –

- “(3A) But this section does not apply if the offender is convicted of a burglary offence.”

LORD JACKSON OF PETERBOROUGH

Clause 1, page 3, line 10, at end insert –

- “(3A) But this section does not apply if the offender is convicted of an offence involving possession of or threatening with an article with a blade or point or an offensive weapon,”

LORD JACKSON OF PETERBOROUGH

Clause 1, page 3, line 10, at end insert –

- “(3A) But this section does not apply if the offender is convicted of a terrorism offence.”

LORD JACKSON OF PETERBOROUGH

Clause 1, page 3, line 10, at end insert —

“(3A) But this section does not apply if the offender is convicted of an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody).”

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 4, line 4, leave out “not more” and insert “less”

Member's explanatory statement

The presumption for a suspended sentence would apply to sentences of less than 12 months.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 4, line 4, after “months” insert “before any credit is given for a guilty plea”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would apply to sentences before credit is given for a guilty plea.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 4, line 7, after “order” insert “with the maximum operational period”

Member's explanatory statement

This amendment would mean that all suspended sentences given in place of immediate custody would be suspended for the maximum period.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 5, line 20, after “individual” insert “or the public”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put the public (as well as an individual) at significant risk of harm.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 5, line 20, leave out “significant”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the risk of harm applies, removing the requirement for the harm to be significant.

LORD KEEN OF ELIE
LORD SANDHURST

Clause 1, page 5, line 21, at end insert —

“(3A) But this section does not apply if the offender —

- (a) has been convicted of three or more other offences in the 12 months leading to the conviction for which a suspended sentence would otherwise have been passed (the “current offence”);
- (b) has been convicted of 10 or more offences prior to the current offence;
- (c) has been convicted of the same offence as the current offence on three or more previous occasions;
- (d) is convicted of an offence (the current offence) with a mandatory minimum custodial sentence;
- (e) has previously received a suspended sentence order or a custodial sentence for the same offence as the current offence;
- (f) has breached a suspended sentence order or orders on three or more occasions, either by breaching community requirements or committing a further offence;
- (g) has a history of poor compliance with court orders, according to a written or oral statement from a probation officer;
- (h) at the time of the current offence, was —
 - (i) subject to a supervision order, or
 - (ii) on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall);
- (i) is convicted of an offence eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988; or
- (j) is being sentenced for three or more offences concurrently.”

Member's explanatory statement

This amendment would prevent suspended sentences from being passed in a range of circumstances.

After Clause 1

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence

The presumption of a suspended sentence will not apply if the offender is not a British citizen or an Irish citizen.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 2)

The presumption of a suspended sentence will not apply if the offence, or an associated offence, either involves possession of or threatening with an article with a blade or point or an offensive weapon.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 3)

The presumption of a suspended sentence will not apply if the offender has committed or been convicted of three other offences in the 12 months preceding the offence.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 4)

The presumption of a suspended sentence will not apply if the offender has committed 10 or more other previous offences at the time of the offence or at the time of conviction for the offence.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause —

“No presumption of suspended sentence (No. 5)

The presumption of a suspended sentence will not apply if the offender has previously received a suspended sentence order for the same offence.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause —

“No presumption of suspended sentence (No. 6)

The presumption of a suspended sentence will not apply if the offender has previously received a custodial sentence for the same offence.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause —

“No presumption of suspended sentence (No. 7)

The presumption of a suspended sentence will not apply if the offence, or an associated offence, has a mandatory minimum sentence.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause —

“No presumption of suspended sentence (No. 8)

The presumption of a suspended sentence will not apply if the offence, or an associated offence, is one of burglary.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause —

“No presumption of suspended sentence (No. 9)

The presumption of a suspended sentence will not apply if the offence, or an associated offence, has a connection to terrorism, including but not limited to offences relating to terrorism under the Terrorism Act 2000, the Terrorism Act 2006 and the Explosive Substances Act 1883.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 10)

The presumption of a suspended sentence will not apply if the offender has breached previous suspended sentence orders three or more times, either by failing to comply with the requirements of the orders or by re-offending during the order’s operational period.”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 11)

The presumption of a suspended sentence will not apply if the offence, or an associated offence, was committed while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).”

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 1, insert the following new Clause –

“No presumption of suspended sentence (No. 12)

The presumption of a suspended sentence will not apply if the offender has already been convicted of committing the same offence three or more times.”

After Clause 6

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 6, insert the following new Clause –

“Parents of young offenders

- (1) The Secretary of State must undertake an assessment of the effectiveness and use by the courts of the following powers in the Sentencing Code –
 - (a) sections 365 to 375 (parenting orders), and
 - (b) sections 380 to 383 (costs, fines and other financial orders where offender aged under 18).
- (2) The assessment undertaken under subsection (1) must make recommendations on –

- (a) ways to increase use of the Sentencing Code powers to make parenting and financial orders, and
 - (b) other potential sentencing changes to promote greater parental responsibility in respect of young offenders.
- (3) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment made under this section before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to assess the use of the courts' existing powers to make parenting orders and financial orders to parents of young offenders.

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 6, insert the following new Clause—

“Child cruelty offences: notification and offender management requirements

- (1) A person (“relevant offender”) is subject to the notification requirements of subsections (2) and (3) for the period set out in subsection (4) if the relevant offender is convicted of an offence listed in subsection (6).
- (2) A relevant offender must notify to the police within the three days of the time of their conviction or their release from custody, and annually thereafter, providing —
 - (a) the relevant offender’s date of birth,
 - (b) their national insurance number,
 - (c) their name on the notification date and, where using one or more other names on that date, each of those names,
 - (d) their place of residence on the date of notification,
 - (e) the address of any other premises in the United Kingdom at which, at the time the notification is given, they regularly reside or stay, and
 - (f) any information that may be prescribed in regulations by the Secretary of State.
- (3) A relevant offender must notify to the police, within the period of three days beginning with the event occurring, about —
 - (a) their use of a name which has not been notified to the police under subsection (2),
 - (b) a change to their place or residence, and
 - (c) any other prescribed change of circumstances as defined in regulations made under this section.
- (4) The dates of discharge from notification requirements under this section are the same as those set out in Section 88B of the Sexual Offences Act 2003.
- (5) The information required by subsections (2) and (3), once received, must be —
 - (a) monitored regularly by the police and probation service, and
 - (b) retained for the purposes of offender management.

- (6) The relevant offences are –
- (a) causing or allowing the death of a child or vulnerable adult, or allowing them to suffer serious harm (section 5 of the Domestic Violence, Crime and Victims Act 2004),
 - (b) child cruelty, neglect and violence (section 1 of the Children and Young Persons Act 1933),
 - (c) infanticide (section 1 of the Infanticide Act 1938),
 - (d) exposing children whereby life is endangered (section 27 of the Offences Against the Person Act 1861),
 - (e) an offence under sections 4, 18, 20, 21, 22, 23 or 47 of the Offences Against the Person Act 1860, if the victim is under the age of 16,
 - (f) an offence under any of the following provisions of the Female Genital Mutilation Act 2003 –
 - (i) female genital mutilation (section 1),
 - (ii) assisting a girl to mutilate her own genitalia (section 2),
 - (iii) assisting a non-UK person to mutilate overseas a girl's genitalia (section 3), and
 - (g) cruelty to children (section 1 of the Children and Young Persons Act 1933)."

Member's explanatory statement

This new clause would create notification requirements for people convicted of child cruelty, analogous to the Sex Offenders Register. Their information and personal details would be kept on record by the police for the purposes of offender management, with the aim of reducing the risk to children from future offences.

After Clause 11

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 11, insert the following new Clause –

“Whole life order: murder of a police or prison officer

- (1) The Sentencing Code is amended as follows.
- (2) In paragraph 2 of Schedule 21 (Determination of minimum term in relation to mandatory life sentence for murder etc), in sub-paragraph (2)(c), after “duty,”, insert “or if the motivation for the murder was connected to the police officer or prison officer’s current or former duties,”.

Member's explanatory statement

This new clause would expand the circumstances in which it is appropriate to apply a whole life order for murdering a prison or police officer, to include murder motivated by the victim’s current or former duties.

Before Clause 18

LORD JACKSON OF PETERBOROUGH

Before Clause 18, insert the following new Clause —

“Sentencing Council

The Sentencing Council of England and Wales is abolished.”

Clause 18

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 18 stand part of the Bill.

Clause 19

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 19 stand part of the Bill.

After Clause 19

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 19, insert the following new Clause —

“Court transcripts of sentencing remarks

- (1) All transcripts of sentencing remarks made in the Crown Court must be published within two sitting days of being delivered.
- (2) All published sentencing remarks must be made freely available, including online.”

Member's explanatory statement

This new clause would require all sentencing remarks made in the Crown Court to be published and made available to all.

LORD KEEN OF ELIE
LORD SANDHURST

After Clause 19, insert the following new Clause –

“Duty to collect and publish data on sentencing

- (1) Within 24 hours of the conclusion of the passing of a sentence, the relevant court must provide HM Courts and Tribunals Service (“HMCTS”) with information regarding –
 - (a) the offence category,
 - (b) the sentence length, and
 - (c) such information about the sentenced individual as the Secretary of State may specify in regulations, but which must include –
 - (i) nationality,
 - (ii) sex at birth,
 - (iii) country of birth,
 - (iv) method of entry to the United Kingdom,
 - (v) visa route,
 - (vi) visa status, and
 - (vii) asylum status.
- (2) HMCTS must collect and record the information set out in subsection (1) in a safe and secure manner.
- (3) The Secretary of State must publish statistics on the information set out in subsection (1) no less than once every three months.”

Member's explanatory statement

This new clause would require HMCTS to collect data and other information on sentencing and sentenced offenders, and would require the Government to publish statistics on that data every three months.

LORD JACKSON OF PETERBOROUGH

After Clause 19, insert the following new Clause –

“Sentencing statistics: duty to publish

- (1) The Secretary of State must, within six months of the passing of this Act, direct His Majesty’s Courts and Tribunal Service (HMCTS) to record and retain, in relation to all offenders convicted and sentenced in the Crown Court or Magistrates’ courts, the offender’s –
 - (a) country of birth,
 - (b) nationality,
 - (c) ethnicity,
 - (d) immigration status, and
 - (e) the offence(s) for which they were sentenced.

- (2) The Secretary of State must make arrangements for the data recorded under subsection (1) to be published and laid before Parliament –
 - (a) within 12 months of the day on which this Act is passed, and
 - (b) annually thereafter.”

Member's explanatory statement

This new clause would require the Government to record and publish statistics on convicted offenders' birthplace, nationality, ethnicity and immigration status.

LORD JACKSON OF PETERBOROUGH

After Clause 19, insert the following new Clause –

“Under-18 anonymity for cases involving serious crime

- (1) This section applies where a person (‘P’) aged under 18 –
 - (a) has been convicted of an offence, and
 - (b) will receive a custodial sentence of four or more years.
- (2) Where this section applies, prior to delivering sentencing remarks, the court must lift any reporting restrictions identifying P.
- (3) This section applies notwithstanding the provisions of Chapter IV of the Youth Justice and Criminal Evidence Act 1999.”

Member's explanatory statement

This new clause would require reporting restrictions to be lifted at the point of sentencing for young offenders who have received a sentence of four or more years.

Clause 20

LORD KEEN OF ELIE
LORD SANDHURST

Clause 20, page 38, line 7, at end insert –

- “(ab) but sections 244ZA(8)(a) and (aa) do not apply to any person convicted of –
- (i) rape,
 - (ii) assault by penetration,
 - (iii) rape of a child under 13,
 - (iv) assault of a child under 13 by penetration,
 - (v) inciting a child under 13 to engage in sexual activity,
 - (vi) paying for the sexual services of a child aged under 13,
 - (vii) kidnapping or false imprisonment with the intention of committing a sexual offence,
 - (viii) creating or possessing indecent photographs of children,
 - (ix) grievous bodily harm,

- (x) grooming,
- (xi) stalking,
- (xii) causing or allowing the death of a vulnerable child or adult, or
- (xiii) death by dangerous driving;
- (ac) but sections 244ZA(8)(a) and (aa) cannot come into force until the Secretary of State has consulted on and ensured exclusions for all offences considered to be serious violence, offences against children, sexual offences and domestic abuse offences.”

Member's explanatory statement

This amendment would disapply the clause 20 early release provisions of the Bill in relation to those convicted of the offences listed in the amendment, and would require the Secretary of State to consult on and ensure exclusions for those convicted of other serious violent and sexual offence categories.

After Clause 25

LORD MOYLAN

★

After Clause 25, insert the following new clause—

“Provision for a prisoner to apply to the Parole Board for a licence termination review following expiry of the qualifying period on annual basis

- (1) The Crime (Sentences) Act 1997 is amended as follows.
- (2) In section 31A (imprisonment or detention for public protection: termination of licences), after subsection (3) insert—
 - “(3A) Where—
 - (a) the prisoner has been released on licence under this Chapter,
 - (b) the qualifying period has expired, and
 - (c) the prisoner’s case has been considered for termination previously by the Parole Board and a period of at least 12 months has elapsed since the disposal of that application,
 the prisoner may make an application to the Parole Board under this subsection.”
- (3) In subsection (4)—
 - (a) after “reference” insert “or application”;
 - (b) after “subsection (3)” insert “or (3A).”

Member's explanatory statement

This would allow a prisoner whose licence has not been terminated by the Parole Board two or three years after their first release to make an application annually to the Parole Board for termination, reinstating the right to apply for an annual review that existed prior to changes made by the Police, Crime, Sentencing and Courts Act 2022.

After Clause 38**LORD JACKSON OF PETERBOROUGH**

After Clause 38, insert the following new Clause –

“Parole board proceedings: enabling public scrutiny

- (1) The Secretary of State has a statutory duty to improve the openness and transparency of the work of the Parole Board and to facilitate a greater public understanding of its statutory framework, procedures and proceedings.
- (2) The Secretary of State must exercise their powers under section 239(5) of the Criminal Justice Act 2003, to require that Parole Board hearings should normally be open to the public unless there are exceptional circumstances for not doing so, as outlined in subsection (5).
- (3) The Secretary of State has the power to formally direct the Chair of the Parole Board to make arrangements for all Parole Board hearings to be heard in public, as set out in Parole Board (Amendment) Rules 2022 (SI 2022/717).
- (4) The Chair of the Parole Board may exercise their right to decline this request and direction from the Secretary of State and must outline their reasons for so doing in writing to the Secretary of State, within 28 days of a written direction being lodged with the Parole Board.
- (5) Such reasons in respect of subsection (4) must be evidence-based and include –
 - (a) where the Chair of the Parole Board believes that such a request and direction would, on the balance of probability and based on evidential information, indicate that the integrity of evidence presented to the Parole Board may be compromised and prevent a true and accurate assessment of the prisoner’s risk being provided by witnesses,
 - (b) that the presence of strong and valid objections from participants, including victims, their families or legal representatives, could jeopardise the cooperation of witnesses, should the hearing be in public, or
 - (c) that to hold a meeting in public might create an unacceptable risk of mental or physical harm to any of the participants.
- (6) The Secretary of State must formally consider any representations from the Chair of the Parole Board in a timely manner and if they choose to disregard the advice of the Chair of the Parole Board, they must outline their reasons within 28 days of receipt of such advice, taking into account all available evidence, including that provided by law enforcement, victims, their families or legal and other representatives.
- (7) The Secretary of State must, in exercising their powers, balance the need for openness, transparency and maintaining public faith in the efficacy of the criminal justice system with a commitment to the operational independence of the Parole Board and its members’ deliberations, and with an obligation to reduce recidivism and support rehabilitation and the prisoner’s ability to resettle in the community upon release from a custodial sentence.

- (8) This section applies only to offences as relevant to public protection decisions and outlined in Schedule 18B Parts 1 and 2 of the Criminal Justice Act 2003.
- (9) The Secretary of State must, within six months of the passing of this Act, and annually thereafter, publish an assessment of the efficacy of the policy of open Parole Board hearings and its impact upon openness, accountability, transparency and public support and whether it meets the interests of the justice test.”

Member's explanatory statement

This amendment seeks to consolidate the statutory instrument laid before Parliament on 30 June 2022 (SI 2022/717) to improve openness, accountability and transparency and public trust in the Parole Board by giving the Secretary of State powers to direct the Board to work to a presumption that such meetings should be routinely open to the public, with exceptions; whilst also safeguarding the Board's independence and the requirement to ensure rehabilitation and resettlement of those prisoners likely to be released from a custodial sentence.

After Clause 40

LORD THOMAS OF CWMGIEDD



After Clause 40, insert the following new Clause –

“Provision for the Parole Board to direct release of an IPP prisoner at a specified future date

- (1) Section 28 (duty to release certain life prisoners) of the Crime (Sentences) Act 1997 is amended as follows.
- (2) In subsection (5)(b), at the end insert “or, in the case of a prisoner in respect of whom the Parole Board has made an order under subsection (6B), the prisoner has served the period ending on the future specified date,”.
- (3) In subsection (6)(b), at the end insert “or the Parole Board has made an order under subsection (6B)”.
- (4) In subsection (6A), at the end insert “but do not apply to a prisoner in respect of whom the Parole Board has made an order under subsection (6B)”.
- (5) After subsection (6A) insert –
 - “(6B) In the case of a prisoner serving one or more preventive sentences as defined by section 31A(5), and not serving any other life sentence, where the Board does not direct his or her immediate release under subsection (5), the Board must fix a date for the person's release on licence (“a specified future date”) and may issue such directions to facilitate the prisoner's release at the specified future date as it considers necessary having regard to its duty to protect the public.
 - (6C) Any date fixed under subsection (6B) must not be later than –
 - (a) the second anniversary of the date on which the decision is taken in the case of a prisoner serving 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);
- (b) the first anniversary of the date on which the decision is taken in the case of a prisoner serving 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).
- (6D) A prisoner in respect of whom a direction has been made under subsection 6B may apply for the specified future date to be varied once six months have passed from the determination of the release date.””

Member's explanatory statement

This amendment requires the Parole Board to fix a future release date for post-tariff IPPs who cannot be released immediately, following the successful completion of directions designed to ensure the public will be adequately protected upon release.

After Clause 41

BARONESS CHAKRABARTI
BARONESS HAMWEE

After Clause 41, insert the following new Clause –

“Removal of power to remand in custody for a person's own protection or welfare

- (1) Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions) is amended as follows.
- (2) In Part 1 of that Schedule omit paragraph 3.
- (3) In Part 1A of that Schedule omit paragraph 5.
- (4) In Part 2 of that Schedule omit paragraph 3.”

Member's explanatory statement

The amendment would repeal the power of the courts to remand a person in custody for their own protection or, if they are a child or young person, for their welfare.

After Clause 42

LORD JACKSON OF PETERBOROUGH

After Clause 42, insert the following new Clause –

“Deportation of foreign criminals

- (1) A foreign criminal who has been sentenced to –
 - (a) a custodial sentence of at least six months, or
 - (b) a community sentence of at least six months, must be the subject of an immediate deportation order, subject to subsection (2) below.

- (2) The Secretary of State may determine, in exceptional cases, that a deportation order under subsection (1) does not apply.
- (3) In this section, “foreign criminal” means a person who –
 - (a) is not a British citizen or an Irish citizen, and
 - (b) is convicted in the United Kingdom of an offence.”

Member's explanatory statement

This new clause would apply an automatic deportation order to foreign criminals sentenced to at least six months' imprisonment or a six-month community sentence.

LORD JACKSON OF PETERBOROUGH
BARONESS HOEY

After Clause 42, insert the following new Clause –

“Deportation of foreign criminals: European Union (Withdrawal) Act 2018

- (1) Section 32 of the UK Borders Act 2007 is amended as follows.
- (2) At the start of subsection (5), insert “Notwithstanding the provisions of section 7A of the European Union Withdrawal Act 2018 and Article 2 of the Windsor Framework,”.

Member's explanatory statement

This new clause would seek to disapply section 7A of the European Union (Withdrawal) Act 2018 (as amended under the Windsor Framework) to the deportation of foreign criminals, with the aim of preventing the courts from disapplying those provisions to Northern Ireland if they are deemed incompatible with the EU Charter of Fundamental Rights.

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