

Sentencing Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
21 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 (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 2

LORD RUSSELL OF LIVERPOOL

After Clause 2, insert the following new Clause –

"Restriction on the making of suspended sentence orders for specified offences

- (1) The Sentencing Code is amended as follows.
- (2) After section 308 (the assessment of dangerousness), insert –

"308A Restriction on the making of suspended sentence orders

A court must not make a suspended sentence order for –

- (a) serious terrorism offences,
- (b) specified violent offences,
- (c) specified sexual offences, or
- (d) specified terrorism offences."

Member's explanatory statement

In recognition of the seriousness of these offences within the Act, this new clause would prohibit the use of suspended sentence orders for these offences.

Clause 3

BARONESS HAMWEE
LORD MARKS OF HENLEY-ON-THAMES

- ★ Clause 3, page 10, line 9, after “amounts” insert “and allowing provision for items determined by the court in accordance with section 161B”

Member's explanatory statement

This amendment, and the amendment to page 10, line 25, is intended to ensure the court can take into account each offender's situation as a whole and in particular not to reduce the offender's income so that employment, training and housing cannot be accessed.

BARONESS HAMWEE
LORD MARKS OF HENLEY-ON-THAMES

- ★ Clause 3, page 10, line 25, at end insert —
- “(1A) Provision made by virtue of subsection (1) must include provision for the court to take into account all matters relevant to prevent the offender reoffending including —
- (a) the ability of the offender to take up employment;
 - (b) the ability of the offender to take up training;
 - (c) the offender's housing.”

Member's explanatory statement

This amendment, and the amendment to page 10, line 9, is intended to ensure the court can take into account each offender's situation as a whole and in particular not to reduce the offender's income so that employment, training and housing cannot be accessed.

After Clause 3

LORD BEITH
LORD MARKS OF HENLEY-ON-THAMES

- ★ After Clause 3, insert the following new Clause —
- “Use of funds raised through income reduction orders**
- (1) The Secretary of State must undertake an assessment of the potential benefits and costs of directing the funds raised from income reduction orders into a fund that provides support for victims.
 - (2) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment under subsection (1) before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of the potential benefits of using the monies raised through income reduction orders to fund support for victims.

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.

After Clause 15

LORD FOSTER OF BATH

After Clause 15, insert the following new Clause –

“Gambling premises entry prohibition requirement

- (1) The Sentencing Code is amended as follows.
- (2) In section 201 (community order requirements table), in the table, after the entry relating to the restriction zone requirement (inserted by section 16(2)), insert –

“gambling premises entry prohibition requirement	Part 4E	section 207(E1)”.
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- (3) In section 207 (availability of community order requirements), after subsection (D1) (inserted by section 16(3)) insert –

“Gambling premises entry prohibition requirement

 - (E1) A gambling premises entry prohibition requirement is not an available requirement if the offence was committed before the day on which subsection (3) of section (Gambling premises entry prohibition requirement) of the Sentencing Act 2025 came into force.”.
- (4) In section 287 (community requirements table), in the table, after the entry relating to the restriction zone requirement (inserted by section 16(5)), insert –

“gambling premises entry prohibition requirement	Part 4E	section 291(E1)”..
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- (5) In section 291 (availability of community requirements), after subsection (D1) (inserted by section 16(6)) insert –

“Gambling premises entry prohibition requirement

- (E1) A gambling premises entry prohibition requirement is not an available requirement if the offence was committed before the day on which subsection (5) of section (*Gambling premises entry prohibition requirement*) of the Sentencing Act 2025 came into force.”.
- (6) In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 4D (inserted by section 16(8)(a)) insert –

“PART 4E

GAMBLING PREMISES ENTRY PROHIBITION REQUIREMENT

- 8E (1) In this Code “gambling premises entry prohibition requirement”, in relation to a relevant order, means a requirement prohibiting the offender from entering gambling premises.
- (2) A gambling premises entry prohibition requirement may prohibit the offender from entering gambling premises at any time in a particular period or at particular times in a particular period.
- (3) A gambling premises entry prohibition requirement may prohibit the offender from entering –
- (a) particular gambling premises,
 - (b) gambling premises of a particular kind,
 - (c) gambling premises in a particular area or areas, or
 - (d) any gambling premises.
- (4) Where the court makes a relevant order imposing a gambling premises entry prohibition requirement, the following must be specified in the order –
- (a) the period for which the requirement has effect;
 - (b) if the order prohibits the offender from entering gambling premises at particular times, those times;
 - (c) if the order prohibits the offender from entering particular gambling premises, those premises;
 - (d) if the order prohibits the offender from entering gambling premises of a particular kind, that kind of gambling premises;
 - (e) if the order prohibits the offender from entering gambling premises in a particular area or areas, the limits of that area or those areas.
- (5) In this paragraph “gambling premises” means premises used for any of the activities specified in section 150(1) (a) to (e) of the Gambling Act 2005.”.

After Clause 17

LORD WOODLEY

After Clause 17, insert the following Clause –

“Unpaid work requirements: community work

- (1) The Sentencing Code is amended as follows.
- (2) In paragraph 3 of Part 1 of Schedule 9 (restriction on imposing unpaid work requirement), after sub-paragraph (1)(b), insert –
 - “(c) that the unpaid work is work undertaken for a non-profit organisation, social enterprise, voluntary organisation or local authority.”.

Member's explanatory statement

This new clause would prohibit private sector involvement in unpaid work as part of a community sentence.

LORD FOSTER OF BATH

After Clause 17, insert the following new Clause –

“Sentencing Code and gambling treatment requirement

- (1) The Sentencing Code is amended as follows.
- (2) In section 201 (community order requirements table), after the entry in the table relating to the alcohol abstinence and monitoring requirement, insert “gambling treatment requirement Part 12A”.
- (3) In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 12 insert –

“PART 12A**GAMBLING TREATMENT REQUIREMENT**

- (1) In this Code “gambling treatment requirement”, in relation to a relevant order, means a requirement that during a period specified in the order the offender must seek gambling addiction treatment through the National Health Service.
- (2) In this paragraph –
 - (a) “gambling treatment”, in relation to an offender, means –
 - (i) treatment provided through a specialist NHS gambling service or gambling clinic;
 - (ii) another form of NHS treatment determined by a qualified clinician to have the best chance of reducing or eliminating the offender’s gambling addiction;

- (b) “qualified clinician” means an NHS clinical psychologist or a psychiatrist with appropriate professional qualifications.
- (3) Sub-paragraphs (4) and (5) apply to a relevant order which imposes a gambling treatment requirement.
- (4) The order may specify separate periods comprising the period specified under sub-paragraph (1).
- (5) For each treatment period, the order may specify the treatment provider but must not otherwise specify the nature of the treatment.
- (6) In sub-paragraph (5), “treatment period” means –
 - (a) if the order specifies separate periods under sub-paragraph (4), any of those periods;
 - (b) otherwise, the period specified under sub-paragraph (1).”

Member's explanatory statement

This new clause would introduce a new gambling treatment requirement, requiring an offender to seek NHS gambling addiction treatment as part of a community order.

LORD MARKS OF HENLEY-ON-THAMES

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After Clause 17, insert the following new Clause –

“Dependent support orders upon sentencing

- (1) A court sentencing an offender must inquire whether that offender has dependents who rely on them for financial or other material support, and if so the court shall, at the time of sentencing, inquire into the circumstances and reasonable needs of those dependents.
- (2) In addition to any sentence imposed, the court may make an order requiring the offender to make periodic payments or other contributions towards the maintenance and welfare of their dependents (“dependent support order”).
- (3) The amount, frequency, and method of payment made under subsection (2) shall be determined by the court having regard to –
 - (a) the offender’s financial means, earning capacity, and assets,
 - (b) the reasonable living costs and needs of the dependents, and
 - (c) any other relevant circumstances.
- (4) The court may direct that payments be made –
 - (a) through a designated collection authority, or
 - (b) directly to the dependent’s guardian, caregiver, or other appointed representative.
- (5) An order made under this section shall remain in effect –
 - (a) for such time as specified by the court, or
 - (b) until it is varied or discharged by the court on application by any interested party.

- (6) A failure to comply with an order made under this section shall constitute a breach of the requirements of the sentence.”

Member's explanatory statement

This new clause would create a power for a sentencing court to require an offender to make periodic payments or other contributions towards the maintenance and welfare of their dependents.

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 BURNETT OF MALDON

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

Clause 19

LORD BURNETT OF MALDON

- ★ Clause 19, page 36, line 28, leave out “if such consent is given” and insert “unless both fail to consent”

Member's explanatory statement

This amendment and others in the name of Lord Burnett of Maldon to Clause 19 seek to (1) remove the proposed veto of either the Lord Chancellor or the Lord Chief Justice acting alone of the publication of new or amended guidelines, and (2) enable the Sentencing Council to publish guidelines unless both do consent.

LORD BURNETT OF MALDON

- ★ Clause 19, page 36, line 33, leave out “if such consent is given” and insert “unless both fail to consent”

Member's explanatory statement

This amendment and others in the name of Lord Burnett of Maldon to Clause 19 seek to (1) remove the proposed veto of either the Lord Chancellor or the Lord Chief Justice acting alone of the publication of new or amended guidelines, and (2) enable the Sentencing Council to publish guidelines unless both do consent.

LORD BURNETT OF MALDON

- ★ Clause 19, page 37, line 5, leave out “if such consent is given” and insert “unless both fail to consent”

Member's explanatory statement

This amendment and others in the name of Lord Burnett of Maldon to Clause 19 seek to (1) remove the proposed veto of either the Lord Chancellor or the Lord Chief Justice acting alone of the publication of new or amended guidelines, and (2) enable the Sentencing Council to publish guidelines unless both do consent.

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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.

LORD FOSTER OF BATH

After Clause 19, insert the following new Clause —

“An annual report on prison capacity

- (1) The Lord Chancellor must, as soon as practicable after the end of each financial year, make a report on prison capacity.
- (2) When reporting on prison capacity under this section, the Lord Chancellor must include the available data on —
 - (a) prison population projections,
 - (b) projection for the supply of prison places,
 - (c) information on prison service staffing, and
 - (d) information on probation service staffing and caseloads.
- (3) The Lord Chancellor must lay a copy of the report before Parliament.
- (4) The Lord Chancellor must publish the report once a copy has been so laid.
- (5) If this section comes into force after the beginning of a financial year, the first report may relate to a period beginning with the day on which that section comes into force and ending with the end of the next financial year.”

Member's explanatory statement

This new clause would require the Lord Chancellor to publish an annual report on prison capacity, in line with the commitment in its Annual Statement on Prison Capacity: 2024 for a statutory annual statement. In line with the 2024 statement, it also requires the publication of information on probation service staffing and caseloads, given the importance of probation service capacity in managing offenders with community orders, suspended sentences and on licence.

LORD WOODLEY

After Clause 19, insert the following Clause –

“Re-sentencing those serving a sentence of imprisonment for public protection

- (1) The Lord Chancellor must make arrangements to ensure that every individual serving a sentence of imprisonment for public protection (“IPP sentence”), whether in prison or the community, has been re-sentenced within 24 months of the day on which this Act is passed.
- (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 or retired judge –
 - (a) under the age of 75,
 - (b) authorised, or authorised immediately before retirement, to try cases of murder, and
 - (c) nominated by the Lady or Lord Chief Justice.
- (4) Within six months of being appointed, the committee must lay a report before Parliament on the process of re-sentencing individuals serving an IPP sentence.
- (5) After a report has been published under subsection (4), the Lord Chancellor may disband the committee established under subsection (2) whenever the Lord Chancellor considers appropriate.
- (6) The Lord Chancellor must disband the committee once all those serving IPP sentences have been re-sentenced.
- (7) A person (“P”) serving an IPP sentence must be re-sentenced in relation to the offence or offences for which P was originally sentenced at a Crown Court designated by the Lord Chancellor for that purpose.
- (8) The re-sentencing court –
 - (a) 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 release on licence might be made, and
 - (b) may substitute for the IPP sentence a hospital order under section 37 of the Mental Health Act 1983, with or without a restriction order under section 41, but only if –
 - (i) the court is satisfied, on the evidence required by that Act, that appropriate in-patient treatment is available for P, and
 - (ii) in the case of a restriction order under section 41, the statutory criteria for making such an order are met.
- (9) The re-sentencing court may confirm the sentence of IPP only if –
 - (a) the re-sentencing judge determines that, at the date of the original sentencing, ignoring the alternative of an IPP sentence, P might appropriately have received a sentence of life imprisonment, and

- (b) at the date of re-sentencing, there is a substantial risk of P committing a further serious offence resulting in substantial harm if released.
- (10) Cases falling within the scope of subsection (9) may only be re-sentenced by a judge authorised, or authorised immediately before retirement, to try cases of murder.
- (11) The re-sentencing court may recommend that P may be subject to an extended licence for a period of up to five years, incorporating such conditions as the re-sentencing court considers appropriate to minimise the risk of re-offending.
- (12) In relation to the exercise of the power in subsection (7) –
 - (a) the power is to be treated as a power to re-sentence under section 402(1) of the Sentencing Code, and
 - (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).
- (13) For the purposes of this section, “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,
 - (b) a sentence of detention for public protection under section 226 (since repealed) of the Criminal Justice Act 2003, or
 - (c) a sentence of imprisonment or detention passed as a result of sections 219 or 221 of the Armed Forces Act 2006.”

Member's explanatory statement

This new clause would implement the recommendation of the Justice Committee's 2022 Report that there should be a re-sentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise. It would also allow the court to substitute a hospital order, with or without a restriction on release for an IPP sentence in appropriate circumstances.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER



After Clause 19, insert the following new Clause –

“Independent advisory panel on sentencing and reducing reoffending

- (1) There is to be an independent advisory panel on sentencing and reducing reoffending.
- (2) The purpose of the panel is to facilitate greater scrutiny of the impacts of policy and legislation on prison and probation resources, helping to encourage a more sustainable criminal justice system in the long term.
- (3) The panel is to act as an authority on what works to reducing rates of reoffending, including but not limited to –

- (a) championing and promoting the most authoritative evidence on what works to reduce and prevent reoffending;
 - (b) producing advice on the most effective methods to reduce reoffending drawing upon evidence from national data, international contexts and expertise within the sector;
 - (c) championing best practice examples of technological interventions to reduce reoffending, with consideration of the risks or ethical implications of using such technology.
- (4) The panel must, as soon as practicable after the end of each financial year, report to the Lord Chancellor on its work during the year.
- (5) The report specified in subsection (4) must include but is not limited to –
 - (a) a longer-term assessment of the cumulative impact of government policy and legislation on sentencing and prison and probation capacity;
 - (b) an assessment of the effectiveness of the government’s overall reducing reoffending strategy.
- (6) The Lord Chancellor must lay a copy of the report before Parliament and place copies in the Library of both Houses.
- (7) The panel must publish the report once a copy has been so laid.
- (8) The panel is to consist of at least 8 members appointed by the Lord Chancellor.
- (9) The Lord Chancellor must appoint a chair of the panel.
- (10) In exercising his or her responsibilities under subsection (9), the Lord Chancellor must seek approval for his or her choice of chair from the Justice Committee in the House of Commons.
- (11) A person is eligible to be a member of the advisory panel if the person appears to the Lord Chancellor to have experience in one or more of the following areas –
 - (a) judiciary;
 - (b) criminal defence or prosecution;
 - (c) sentencing policy and the administration of justice;
 - (d) prisons and probation;
 - (e) psychology and psychiatry;
 - (f) academic study or research relating to criminal law or criminology;
 - (g) independent inspection and scrutiny of the criminal justice system;
 - (h) the investigation of complaints;
 - (i) the welfare of prisoners;
 - (i) criminal justice reform and rehabilitation charities.
- (12) The Lord Chancellor may by order make provision for –
 - (a) The term of office, resignation, and reappointment of panel members,
 - (b) The remuneration of panel members, and
 - (c) The budget of the panel.
- (13) For the purposes of this section –

- (a) “legislation” means –
 - (i) an Act of Parliament if, or to the extent that, it extends to England and Wales;
 - (ii) subordinate legislation made under an Act of Parliament if, or to the extent that, the subordinate legislation extends to England and Wales;
 - (iii) a Measure or Act of the National Assembly for Wales or subordinate legislation made under such a Measure or Act;
- (b) “policy” means –
 - (i) policy of the UK government;
 - (ii) policy of the Welsh ministers.”

Member's explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER

★

After Clause 19, insert the following new Clause –

“Independent advisory panel on sentencing and reducing reoffending: duty to refer

- (1) The Lord Chancellor must refer to the panel any government policy proposal, or government proposal for legislation, which the Lord Chancellor considers may have a significant effect on one or more of the following –
 - (a) the resources required for the provision of prison places;
 - (b) the resources required for probation provision;
 - (c) the resources required for the provision of youth justice services.
- (2) For the purposes of subsection (1) –
 - (a) “government policy proposal” includes a policy proposal of the Welsh Ministers;
 - (b) “government proposal for legislation” includes a proposal of the Welsh Ministers for legislation.
- (3) The panel must assess the likely effect of the proposal on the matters mentioned in paragraphs (a) to (c) of subsection (1).
- (4) The panel must also assess the extent to which the proposal –
 - (a) represents value for money, and
 - (b) is likely reduce rates of reoffending.
- (5) The panel must prepare a report of the assessment and send the report –
 - (a) to the Lord Chancellor, and
 - (b) if the report relates to a proposal of the Welsh Ministers, to the Welsh Ministers.

- (6) A single report may be prepared of the assessments relating to 2 or more proposals.
- (7) If the Lord Chancellor receives a report under subsection (5) the Lord Chancellor must, unless it relates only to a proposal of the Welsh Ministers, respond to the report.
- (8) The Lord Chancellor's response must include but is not limited to —
 - (a) an assessment of whether the Lord Chancellor agrees or disagrees with the advice of the panel;
 - (b) an indication of whether or not the government intends to implement the proposal.
- (9) The Lord Chancellor must send a copy of the response to the chair of the panel within three months of receiving a report.
- (10) The Lord Chancellor must lay a copy of the panel's report and the Lord Chancellor's response before both Houses of Parliament.
- (11) If the Welsh Ministers receive a report under subsection (5) they must respond to the report.
- (12) The Welsh Ministers' response must include but is not limited to —
 - (a) an assessment of whether the Welsh Ministers agree or disagree with the advice of the panel;
 - (b) an indication of whether or not the Welsh Ministers intend to implement the proposal.
- (13) The Welsh Ministers must send a copy of the response to the chair of the panel within three months of receiving a report.
- (14) The Welsh Ministers must lay a copy of the panel's report and the Welsh Ministers' response before the National Assembly for Wales.
- (15) The panel must publish a report and response which has been laid in accordance with subsections (10) and (14).
- (16) In this section "legislation" means —
 - (a) an Act of Parliament if, or to the extent that, it extends to England and Wales;
 - (b) subordinate legislation made under an Act of Parliament if, or to the extent that, the subordinate legislation extends to England and Wales;
 - (c) a Measure or Act of the National Assembly for Wales or subordinate legislation made under such a Measure or Act."

Member's explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER

★ After Clause 19, insert the following new Clause –

**“Independent advisory panel on sentencing and reducing reoffending:
consequential amendments**

- (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 120, after subsection (11)(f) insert –
 - “(g) any relevant advice from the independent advisory panel on sentencing and reducing reoffending.”.

Member's explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

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, or
 - (xii) causing or allowing the death of a vulnerable child or adult.
- (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.

Clause 24

LORD FOSTER OF BATH

Clause 24, page 46, line 37, leave out “(7)” and insert “(7A)”

LORD BROOKE OF ALVERTHORPE

Clause 24, page 46, line 38, at end insert –

“(za) after subsection (4)(aa) insert –

“(ab) must include an addiction recovery condition (see section 250E) if the individual concerned is known to have a substance addiction at the time of sentencing,”;

LORD FOSTER OF BATH

Clause 24, page 47, line 15, at end insert –

“(v) after sub-paragraph (di) (inserted by sub-paragraph (iv) above), insert –

“(ei) a gambling premises entry prohibition condition (see section 250CA),”;

LORD FOSTER OF BATH

Clause 24, page 48, line 12, leave out first “subsection” and insert “section”

LORD FOSTER OF BATH

Clause 24, page 48, line 38, at end insert –

“(6A) After section 250C (inserted by subsection (6)) insert –

“250CA Gambling premises entry prohibition condition

- (1) A gambling premises entry prohibition condition is a condition prohibiting a person from entering gambling premises.

- (2) A gambling premises entry prohibition condition may prohibit a person from entering gambling premises at any time or at times specified in the condition.
- (3) A gambling premises entry prohibition condition may prohibit a person from entering—
 - (a) gambling premises specified in the condition,
 - (b) gambling premises of a description so specified, or
 - (c) any gambling premises.
- (4) In this section “gambling premises” means premises used for any of the activities specified in section 150(1) (a) to (e) of the Gambling Act 2005.”.”

LORD BROOKE OF ALVERTHORPE

Clause 24, page 49, line 9, at end insert—

“(7A) After section 250D (inserted by subsection (7)) insert—

“250E Addiction recovery condition

- (1) An addiction recovery condition is a condition requiring a person to engage with addiction recovery services.
- (2) The cost of subsection (1) must be met by the Ministry of Justice (or its successors).”.”

After Clause 25

LORD MOYLAN
BARONESS FOX OF BUCKLEY

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.

Clause 29

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

- ★ Clause 29, page 55, line 16, at beginning insert “Subject to section (*Exclusion from automatic release following fixed-term recall for specified serious offences*),”

Member's explanatory statement

This is connected to Lord Marks’ amendment to after Clause 29, and his amendments to page 55, line 26 and page 55, line 30. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

- ★ Clause 29, page 55, line 26, after “of” insert “a maximum of”

Member's explanatory statement

This is connected to Lord Marks’ amendment to after Clause 29, and his amendments to page 55, line 16 and page 55, line 30. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

- ★ Clause 29, page 55, line 30, after “of” insert “a maximum of”

Member's explanatory statement

This is connected to Lord Marks’ amendment to after Clause 29, and his amendments to page 55, line 16 and page 55, line 26. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD RUSSELL OF LIVERPOOL

Clause 29, page 56, line 5, leave out “both” and insert “more”

Member's explanatory statement

This amendment, linked to another in the name of Lord Russell of Liverpool, enables an additional condition to be added for consideration by the Secretary of State, when determining if an offender should not be released at the end of the section 255BA automatic release period.

LORD RUSSELL OF LIVERPOOL

Clause 29, page 56, line 27, at end insert –

“(8A) The third condition is that the basis for P’s recall is that P has breached a license condition, civil order, or criminal order in relation to the victim of the crime for which P is serving the sentence in question.”

Member's explanatory statement

This amendment adds a condition for consideration by the Secretary of State, when determining if an offender should not be released at the end of the section 255BA automatic release period, where the basis of the offender’s recall is that they breached a license condition or order in relation to their victim.

LORD BLUNKETT

Clause 29, page 56, line 39, at end insert –

“255BB Further release after recall: prisoners subject to Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) sentences

The Secretary of State may by regulations make equivalent provision to those under section 255BA (Automatic release: other offenders) in relation to the recall of those subject to Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) sentences.”

LORD BLUNKETT

Clause 29, page 56, line 42, at end insert “section 255BB”

After Clause 29

LORD RUSSELL OF LIVERPOOL

After Clause 29, insert the following new Clause –

“Further release after recall: offenders eligible for risk-assessed release

(1) The Criminal Justice Act 2003 is amended as follows.

- (2) In section 255C (prisoners not suitable for automatic release), after subsection (3) insert —
- “(3A) Subsection (3B) applies if the basis for P’s recall is that P has breached a license condition, civil order, or criminal order in relation to the victim of a crime for which P is serving a sentence.
- (3B) Where this subsection applies —
- (a) at the end of the period of 56 days beginning with the day on which P returns to custody, P must be considered for referral for executive release as opposed to automatic release,
 - (b) if P is referred for consideration for executive release, the Secretary of State may release P again on licence, and
 - (c) if P is not referred for consideration for executive release, or if P is denied executive release, the Secretary of State must refer P’s case to the Board.”

Member's explanatory statement

This amendment ensures that offenders who have been recalled to prison on the basis of a breach of license condition or order related to their victim are risk-assessed to determine whether it is safe for them to be re-released into the community, rather than being automatically released after 56 days.

BARONESS HAMWEE
LORD MARKS OF HENLEY-ON-THAMES

★

After Clause 29, insert the following new Clause —

“Digital systems for tracking offender progress

- (1) The Secretary of State must, within one year of the passing of this Act, undertake an assessment of the benefits and costs of implementing a digital sentence management system for prisoners and individuals who are subject to supervision by the probation service.
- (2) The assessment must consider the following potential functions of a sentence management system —
 - (a) tracking offender progress,
 - (b) providing for the sharing of information between the courts, probation service, and other relevant agencies, subject to the UK General Data Protection Regulation and the Data Protection Act 2018,
 - (c) monitoring compliance with rehabilitation programmes, and
 - (d) any other functions that the Secretary of State deems appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of implementing a digital sentence management system for prisoners and individuals subject to supervision by the probation service.

Clause 30

LORD TIMPSON

Clause 30, page 57, line 17, at end insert –

“(4A) In section 244(1A) (duty to release prisoners not subject to special provision for release), for “and”, in the second place it occurs, substitute “to”.”

Member’s explanatory statement

This amendment is consequential on the insertion by clause 29 of the new section 255BA of the Criminal Justice Act 2003 (automatic release from recall) and ensures that section 244(1A) of that Act, which cross refers to the recall provisions, includes a reference to this new section.

After Clause 30LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

★

After Clause 30, insert the following new Clause –

“Exclusion from automatic release following fixed-term recall for specified serious offences

- (1) An offender shall not be eligible for automatic release following a fixed-term recall where they have been convicted of any of the following offences –
- (a) rape,
 - (b) assault by penetration,
 - (c) rape of a child under 13,
 - (d) assault of a child under 13 by penetration,
 - (e) inciting a child under 13 to engage in sexual activity,
 - (f) paying for the sexual services of a child aged under 13,
 - (g) kidnapping or false imprisonment with the intention of committing a sexual offence,
 - (h) creating or possessing indecent photographs or pseudo-photographs of children,
 - (i) grievous bodily harm (under section 18 or section 20 of the Offences Against the Person Act 1861),
 - (j) grooming (under section 15 of the Sexual Offences Act 2003),
 - (k) stalking (under section 2A or 4A of the Protection from Harassment Act 1997),
 - (l) causing or allowing the death of a vulnerable child or adult (under section 5 of the Domestic Violence, Crime and Victims Act 2004), or
 - (m) causing death by dangerous driving (under section 1 of the Road Traffic Act 1988).

- (2) For the purposes of this section, a person shall also be ineligible for release following a fixed-term recall if they have been convicted of an attempt, conspiracy, or incitement to commit any of the offences listed in subsection (1).
- (3) The Secretary of State may by regulations add or remove offences from the list in subsection (1)."

Member's explanatory statement

This new clause would mean offenders who had committed certain serious offences would not be eligible for automatic release following a fixed term recall. It is connected to Lord Marks' amendments to Clause 29, page 55, line 16; page 55, line 26; and page 55, line 30.

After Clause 31

LORD MARKS OF HENLEY-ON-THAMES



After Clause 31, insert the following new Clause –

“Powers of the probation service to impose and vary conditions of supervision

- (1) Where an offender is –
 - (a) subject to a community order, a suspended sentence order, or a period of probation supervision, and
 - (b) required to reside at a specified address as a condition of that order or supervision,
 the Probation Service may, in accordance with this section, direct that the offender reside at an alternative address.
- (2) A direction under subsection (1) may be given where –
 - (a) it is necessary to protect another person (including a partner, former partner, or family member) from risk of harm,
 - (b) it is necessary for the effective management or rehabilitation of the offender, or
 - (c) it is otherwise in the interests of justice.
- (3) Where the probation service has made a direction under subsection (1), it may recommend or determine other terms of supervision, including –
 - (a) restrictions on contact or association with specified individuals,
 - (b) requirements relating to participation in programmes addressing offending behaviour, or
 - (c) curfew or exclusion requirements, subject to approval by the sentencing court.
- (4) Where a direction or variation made under this section materially alters the conditions imposed by the sentencing court, the probation service must –
 - (a) notify the court and the offender as soon as possible, and
 - (b) seek approval by the sentencing court of the varied terms within 14 days, and in the absence of such approval the variation of the terms will not be effective.

- (5) Any direction or variation made under this section shall not have effect as if imposed by the sentencing court, until it has been approved by the court.
- (6) In this section, “the probation service” includes any person or body authorised to supervise offenders under the Offender Management Act 2007.”

Member's explanatory statement

This new clause would give the probation service the power to change the residence requirement of an individual subject to supervision in certain circumstances, and to make other changes to the terms of supervision, subject to confirmation by the sentencing court.

Clause 34

LORD TIMPSON

Clause 34, page 63, line 13, at end insert –

- “(d) in paragraph 13(1)(a) of Schedule 23 (power to amend maximum number of hours of unpaid work), for “paragraph 2(1)” substitute “paragraph 2(1A)”.”

Member's explanatory statement

This amendment updates a cross reference and is consequential on the amendment made by clause 34(2) (limits on the number of hours in an unpaid work requirement in a community order or suspended sentence order).

LORD TIMPSON

Clause 34, page 63, line 30, at end insert –

- “(ba) in paragraph 6, for “paragraph 3(5)” substitute “paragraph 3(5A)”;

Member's explanatory statement

This amendment updates a cross reference and is consequential on the amendment made by clause 34(5)(b)(ii) (limits on the number of hours in an unpaid work requirement in a supervision default order).

Clause 35

LORD MARKS OF HENLEY-ON-THAMES
LORD BEITH



The above-named Lords give notice of their intention to oppose the Question that Clause 35 stand part of the Bill.

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
VISCOUNT HAILSHAM
LORD MARKS OF HENLEY-ON-THAMES
BARONESS FOX OF BUCKLEY

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.

VISCOUNT HAILSHAM

As an amendment to the above amendment in the name of Lord Thomas of Cwmgiedd to After Clause 40

In subsection (5), after inserted subsection (6D), insert –

- “(6E) In respect of a prisoner of whom a direction has been made under subsection (6B), the Secretary of State may apply to the Parole Board, once six months have passed from the determination of the release dates for –
- (a) that determination to be set aside,
 - (b) the release date to be extended, or
 - (c) the determination to be otherwise varied.”

LORD FOSTER OF BATH

After Clause 40, insert the following new Clause –

“Probation Service supervision: access to rehabilitation and support services for individuals

- (1) The Probation Service must ensure all individuals subject to licence conditions, community orders, or other court-imposed supervision have access to –
 - (a) NHS mental health, and substance misuse and gambling disorder treatment support services,
 - (b) education, training and employment support, and
 - (c) approved behaviour change or offender behaviour programmes.
- (2) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (1).”

Member's explanatory statement

This new clause would require the probation service to ensure people under its supervision can access mental health and substance misuse and gambling disorder treatment support services; education, training and support; and approved behaviour change or offender management programmes, and to report annually on the availability and uptake of those services.

LORD FOSTER OF BATH

After Clause 40 insert the following new Clause –

“Specialist teams for high-risk or complex offenders

- (1) The Probation Service must undertake an assessment of the potential benefits of establishing specialist probation teams to supervise –
 - (a) high-risk offenders,
 - (b) offenders with complex mental health needs,
 - (c) offenders with gambling disorder needs,
 - (d) offenders with substance misuse needs, and
 - (e) young offenders who are transitioning to adult supervision.
- (2) The assessment must consider the potential benefits of specialist probation teams having lower average caseloads per probation officer.
- (3) The assessment must consider the potential arrangements for specialist probation teams accessing support from other relevant agencies.
- (4) The Secretary of State must, within a year of the day on which this Act is passed, lay a copy of the assessment under this section before Parliament.”

Member's explanatory statement

This new clause would require the probation service to assess the potential benefits of establishing specialist probation teams to supervise offenders who are high-risk; have complex mental health, gambling disorder or substance misuse needs; and young offenders transitioning to adult supervision.

LORD FOSTER OF BATH

After Clause 40, insert the following new Clause –

“Custodial sentences: access to rehabilitation and support services for individuals

- (1) The HM Prison and Probation Service must ensure all individuals subject to custodial sentences have access to –
 - (a) NHS mental health, and substance misuse and gambling disorder treatment support services,
 - (b) education, training and employment support, and
 - (c) approved behaviour change or offender behaviour programmes.

- (2) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (1)."

Member's explanatory statement

This new clause would require the Prison Service to ensure people under its supervision can access mental health and substance misuse and gambling disorder treatment support services; education, training and support; and approved behaviour change or offender management programmes, and to report annually on the availability and uptake of those services.

LORD WOODLEY

After Clause 40, insert the following Clause –

“Probation capacity: independent report

- (1) Within three months of the day on which this Act is passed, a report must be published and laid before Parliament by HM Inspectorate of Probation (“the Inspectorate”) determining whether there is adequate capacity in the Probation Service to meet the provisions of this Act which are anticipated to increase levels of demand on the Probation Service.
- (2) If the report under subsection (1) determines that the capacity of the Probation Service is inadequate, provisions of this Act anticipated to increase levels of demand on the Probation Service may not come into force until a further report determines that the Probation Service has adequate capacity.
- (3) Following a report under subsection (1), the Inspectorate must publish and lay before Parliament a further report, no less than once every 12 months, determining whether there is adequate capacity in the Probation Service.
- (4) If a report under subsections (1) or (3) determines that the capacity of the Probation Service is inadequate, the Inspectorate may direct that a prioritisation framework must be issued to the areas in which the capacity concerns apply, in order to provide local services with guidance about which activities to deprioritise.
- (5) The Secretary of State must, within two weeks of the laying of a report under subsections (1) or (3) with a finding of inadequate capacity, make a statement to Parliament setting out how probation capacity will be increased to an adequate level.”

Member's explanatory statement

This new clause would ensure that the provisions of this Bill likely to increase demand on the Probation Service cannot be implemented until HM Inspectorate of Probation determines that there is adequate capacity to address those demands, and would enable the Inspectorate to trigger the issuing of a prioritisation framework to help local areas to identify which activities to deprioritise.

LORD WOODLEY

After Clause 40, insert the following Clause –

“Electronic monitoring: oversight

- (1) The Sentencing Code is amended as follows.
- (2) In Part 14 of Schedule 9, in paragraph 31 (electronic monitoring: person responsible for monitoring), after sub-paragraph (2) insert –
 - “(3) Regulations under this section must ensure that –
 - (a) electronic monitoring is overseen by the Probation Service,
 - (b) the fitting of necessary apparatus for the purposes of electronic monitoring may only be undertaken by those in the employment of an organisation with responsibility for delivering electronic monitoring, and
 - (c) the fitting of necessary apparatus may not be undertaken by an employee of HM Prison and Probation Service unless the responsibility for the delivery of electronic monitoring is held solely by HM Prison and Probation Service.”.

Member's explanatory statement

This amendment would ensure that the probation service oversees electronic monitoring, and that prison officers would not be responsible for fitting tags unless tagging contracts are brought into the public sector.

LORD THOMAS OF CWMGIEDD

After Clause 40, insert the following new Clause –

“Management of offenders on probation: devolution to Wales

- (1) In paragraph 175 (prisons and offender management) of Schedule 7A of the Government of Wales Act 2006 –
 - (a) in sub-paragraph (3), omit “probation”;
 - (b) under the “Exceptions” insert “Probation in relation to offender management”.
- (2) The Secretary of State must by regulations make further provision under this section to facilitate the transfer of the provision of the probation service in Wales from the Secretary of State to Senedd Cymru and Welsh Ministers.”

Member's explanatory statement

This new clause seeks to devolve probation services to Wales, by removing it from the list of reserved matters in the Government of Wales Act 2006.

LORD FOSTER OF BATH

After Clause 40, insert the following new Clause –

“Probation: maximum caseloads limits

- (1) The Secretary of State must establish maximum caseload limits for probation officers supervising individuals subject to –
 - (a) licence conditions,
 - (b) community orders, and
 - (c) any other form of court-imposed supervision by the probation service.
- (2) The Secretary of State must, each year, lay before Parliament a report on compliance with the caseload limits set under this section.”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State establishes maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

LORD MARKS OF HENLEY-ON-THAMES

★

After Clause 40, insert the following new Clause –

“Review of sentence following a change in law

- (1) Where a person is serving or subject to a sentence imposed for an offence, and –
 - (a) the offence has been abolished, or
 - (b) there has been a change in the law which materially alters the sentence that would be imposed for the same offence following that change in the law,
 that person may apply to the sentencing court, or to such other court as may be prescribed, for a review of the sentence.
- (2) On such an application, the court may –
 - (a) quash the sentence and resentence the person in accordance with the law as so changed, or
 - (b) make such other order as necessary in the interests of justice.
- (3) The Secretary of State may by regulations make provision for the procedure and eligibility criteria for applications under this section.”

Member's explanatory statement

This new clause would allow a person still serving a sentence under a law that has changed to seek review or resentencing in line with the existing law.

LORD MARKS OF HENLEY-ON-THAMES

★ After Clause 40, insert the following new Clause —

“Review of the impact of a change in the law on unspent convictions

- (1) The Secretary of State must, within 12 months of the passing of this Act, lay before Parliament a report reviewing —
 - (a) the effect of changes in the criminal law, whether legislative or judicial, on those serving sentences for offences that would attract a different sentence following the subsequent changes to the criminal law (altered sentences), and
 - (b) the adequacy of existing mechanisms for addressing any perceived injustice arising from such changes.
- (2) The Secretary of State must thereafter lay a further report under subsection (1) every three years.
- (3) A report made under this section must include —
 - (a) recommendations for legislative or administrative steps to prevent any instances of injustice arising from changes in the law, and
 - (b) data on the number of persons serving such altered and, of those, the number who remain imprisoned.”

Member's explanatory statement

This new clause would create a statutory duty for the Government to review, on a recurring basis, how changes to the law affect those already convicted or sentenced.

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
VISCOUNT HAILSHAM

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.

VISCOUNT HAILSHAM

As an amendment to the above amendment in the name of Lord Jackson of Peterborough to After Clause 42

In subsection (1)(b), leave out “an immediate” and insert “a”

VISCOUNT HAILSHAM

As an amendment to the above amendment in the name of Lord Jackson of Peterborough to After Clause 42

In subsection (1)(b), leave out “subsection (2)” and insert “subsections (2) and (2A)”

VISCOUNT HAILSHAM

As an amendment to the above amendment in the name of Lord Jackson of Peterborough to After Clause 42

After subsection (2), insert –

- “(2A) In respect of a sentence of immediate custody of at least six months, a foreign criminal must not be deported until after the sentence has been imposed and that person has served at least one third of that 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.

LORD FOSTER OF BATH
LORD MARKS OF HENLEY-ON-THAMES

★

After Clause 42, insert the following new Clause –

“Remand: access to rehabilitation programmes and education

- (1) Where an individual is held in custodial remand pending sentencing, the prison and probation services must provide access to the same or equivalent rehabilitative programmes that are available to prisoners after sentencing.
- (2) Where an individual is held in custodial remand pending trial, the prison and probation services must provide access to the same or equivalent –
 - (a) education,
 - (b) therapy,
 - (c) addiction support and gambling disorder support, and
 - (d) any other support that the probation service deems appropriate, that is available to prisoners after sentencing.”

Member's explanatory statement

This new clause would allow prisoners held on remand to access rehabilitative programmes, education, therapy and other support.

Clause 46

LORD FOSTER OF BATH

Clause 46, page 76, line 28, leave out “and (4)” and insert “to (4A)”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State established maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

LORD WOODLEY

Clause 46, page 76, line 33, at end insert—

“(aa) section (*Probation capacity: independent report*);”

Member's explanatory statement

This is related to a new Clause proposed by Lord Woodley to ensure that the provisions of this Bill likely to increase demand on the Probation Service cannot be implemented until HM Inspectorate of Probation determines that there is adequate capacity to address those demands.

LORD WOODLEY

Clause 46, page 77, line 1, after “19” insert “, section (*Re-sentencing those serving a sentence of imprisonment for public protection*)”

LORD FOSTER OF BATH

Clause 46, page 77, line 3, at end insert “provided that the provision in subsection (4A) has been discharged.

(4A) Apart from the provisions in subsection (3), no provision in this Act can come into force until the provision in section (*Probation: maximum caseloads limits*)(1) has been discharged.”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State established maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

Sentencing Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
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