

Sentencing Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Amendment
No.

After Clause 1

BARONESS JONES OF MOULSECOOMB

29A★ After Clause 1, insert the following new Clause —

“Duty to consider community order

- (1) Section 203 of the Sentencing Code (restriction on making both community order and suspended sentence order) is amended as follows.
- (2) Before subsection (1) insert —
 - “(A1) Before imposing a suspended sentence order, the court must consider whether the purposes of sentencing (see section 57), can be met by imposing a community order under section 204.”.

Member's explanatory statement

This amendment will ensure that community orders are considered before the imposition of a suspended sentence order.

After Clause 4

THE LORD BISHOP OF GLOUCESTER
LORD MOYLAN
LORD BURNETT OF MALDON

45A★ After Clause 4, insert the following new Clause —

“Purposes of imprisonment

- (1) Where a court is imposing a sentence the court must have regard to the purposes of imprisonment.
- (2) The Secretary of State must have regard to the purposes of imprisonment when exercising their duties under this Act.

- (3) For the purposes of subsections (1) and (2) the purposes of imprisonment are —
- (a) the incapacitation of prisoners in order to restrict their ability to re-offend in the community,
 - (b) the rehabilitation of prisoners under safe and decent conditions to reduce re-offending,
 - (c) the deterrence of prisoners and others from committing further offences, and
 - (d) the just punishment of prisoners, including provision to achieve justice for the victims of crime.”

Member's explanatory statement

This new clause would define the purposes of imprisonment in law and require the courts and the Secretary of State to have regard to the purposes of imprisonment.

After Clause 19

LORD JACKSON OF PETERBOROUGH

93A★ After Clause 19, insert the following new Clause —

“Report on the efficacy of reforms to community sentences and suspended sentence orders

- (1) The Secretary of State must, within 24 months of the day on which this Act is passed, publish and lay before Parliament a report evaluating the impact of this Act on re-offending outcomes for offenders given —
 - (a) community orders, and
 - (b) suspended sentence orders.
- (2) The report under subsection (1) must include —
 - (a) the re-offending rates for offenders to whom subsection (1) applies,
 - (b) a comparison of those re-offending rates with the equivalent period prior to commencement of this Act, and
 - (c) an assessment of whether the provisions of this Act have resulted in a reduction in re-offending of at least 10% compared with the equivalent period prior to commencement of this Act.
- (3) If the report under subsection (1) does not demonstrate a reduction in re-offending of at least 10% as specified in subsection (2)(c), sections 1, 2, 11, 12 and 20 of this Act shall cease to have effect at the end of the period of six months beginning with the day on which the report is laid before Parliament.”

Member's explanatory statement

This would require the Government to report, within two years of Royal Assent, on whether the reforms to community orders and suspended sentence orders have reduced re-offending by at least 10%. If this is not achieved, the relevant provisions would cease to operate after six months of the report being laid before Parliament.

BARONESS NEVILLE-ROLFE

93B★ After Clause 19, insert the following new Clause—

“Mandatory purposeful activity requirement for custodial sentences

- (1) A court sentencing an offender to a term of imprisonment must include, as a condition of that sentence, a requirement that the offender participate in one or more of the following—
 - (a) education,
 - (b) skills training, employment or vocational programmes, or
 - (c) other purposeful activity approved by the Governor of the prison.
- (2) For the purposes of subsection (1), “purposeful activity” includes—
 - (a) accredited educational courses,
 - (b) workplace or vocational training opportunities, and
 - (c) unpaid work or service contributing to the functioning of the prison.
- (3) The Secretary of State must by regulations made by statutory instrument make provision ensuring that the requirement in subsection (1) applies to all custodial sentences imposed in England and Wales, beginning with the day on which this Act is passed.
- (4) The Governor of each prison must, on an annual basis, publish a statement specifying the number and proportion of prisoners actively participating in activities under subsection (1).
- (5) The Secretary of State must lay before Parliament an annual consolidated report on the data submitted under subsection (5).
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment would require mandatory participation in education, training, work or other purposeful activity as a condition of custodial sentences and requires annual reporting on prisoner participation.

Clause 20

LORD BACH

94A★ Clause 20, page 40, line 10, at end insert—

- “(17) The Secretary of State may by regulations modify the provisions of this section so as to provide that no prisoner is released after serving one-third of the sentence unless they have earned such early release through their participation in purposeful activity.

- (18) “Purposeful activity” means such activity for which the regulations under subsection (17) may provide.
- (19) The power to make regulations under subsection (17) include powers to make —
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or areas.
- (20) Regulations under subsection (17) are to be made by statutory instrument.
- (21) A statutory instrument containing regulations under subsection (17) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 24

BARONESS PRASHAR

101A★ Clause 24, page 47, line 15, at end insert —

“(aa) after subsection (4A) insert —

“(4B) The Secretary of State must not include a condition under subsection (4)(b)(ii) in a licence, either on release or subsequently, or vary or cancel any such condition included in a licence, unless the Board directs the Secretary of State to do so (and must, if the Board so directs, include, vary or cancel such a condition).””

Member's explanatory statement

This amendment seeks to introduce a requirement for the Parole Board to have oversight of new restriction zones which will confine offenders to specific areas in the community while on licence.

After Clause 26

BARONESS JONES OF MOULSECOOMB

110A★ After Clause 26, insert the following new Clause —

“Criteria for recall to prison

- (1) Section 254 (recall of prisoners while on licence) of the Criminal Justice Act 2003 is amended as follows.
- (2) For subsection (1) substitute —
 - “(1) The Secretary of State may, in the case of any prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison, only if —
 - (a) there is evidence of consistent non-compliance with licence conditions, or
 - (b) there is credible evidence of a specific and imminent risk of harm.”

(2) For subsection (2B) substitute –

“(2B) The Secretary of State may cancel a revocation under subsection (2A) if satisfied that neither of the grounds for recall set out in subsection (1) applies to the person recalled to prison.”.

Member's explanatory statement

This amendment gives effect to recommendation 4.3 of the Independent Sentencing Review to implement “stricter criteria and thresholds” for recall.

After Clause 42

LORD KEEN OF ELIE
LORD SANDHURST

148A★ After Clause 42, insert the following new Clause –

“Impact on community and voluntary sector: duty to report

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, publish a report assessing –
 - (a) the impact of this Act on the community and voluntary sector, based on data collected in the period of six months beginning on the day on which this Act comes into force, and
 - (b) the capacity of that sector to deliver services in response to any increase in demand arising from this Act.
- (2) The Secretary of State must lay the report before both Houses of Parliament.”

Member's explanatory statement

This amendment requires the Government to publish, within 12 months of commencement, an assessment of the impact of the Act on the community and voluntary sector, drawing on data from the first six months of its operation.

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