

Sentencing Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

After Clause 2

LORD RUSSELL OF LIVERPOOL

After Clause 2, insert the following new Clause—

“Restriction on the making of suspended sentence orders for technology-assisted child sexual abuse offences

- (1) The Sentencing Code is amended as follows.
- (2) After section 304 insert—

“304A Restriction on the making of suspended sentence orders

A court may not make a suspended sentence order where a conviction has occurred for one or more of the following offences, in any court—

- (a) section 1 of the Protection of Children Act 1978;
- (b) section 160 of the Criminal Justice Act 1988;
- (c) section 62 of the Coroners and Justice Act 2009.”

Member's explanatory statement

In recognition of the seriousness of these offences, this new clause would prohibit the use of suspended sentence orders for technology assisted child sexual abuse offences, regardless of where the conviction and sentence occurred.

After Clause 19

LORD RUSSELL OF LIVERPOOL

After Clause 19, insert the following new Clause—

“Unduly lenient sentences scheme: extension to victims of technology-assisted child sexual abuse offences

- (1) The Criminal Justice Act 1988 is amended as follows.

- (2) In section 36 (reviews of sentencing), after subsection (2) insert –
- “(2A) An application may be made to the Attorney General to review any sentence passed by either a Magistrates’ or Crown Court under the terms set out in this section.
- (2B) An application can be made under subsection (2A) where a sentence has been passed for one or more offence under the following provisions, in either the Magistrates’ or Crown Court –
- (a) section 1 of the Protection of Children Act 1978,
 - (b) section 160 of the Criminal Justice Act 1988, or
 - (c) section 62 of the Coroners and Justice Act 2009.
- (2C) An application can be made under subsection (2A) by a victim, or their next of kin where the victim is a minor, of one of the specified offences under subsection (2B)(a) to (c).”.

Member's explanatory statement

This new clause would extend the Unduly Lenient Sentence Scheme, allowing victims of technology assisted child sexual abuse offences, and their next of kin where the victim is a minor, to apply to the scheme regardless of where the sentence was passed.

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